Kind	McCotter	Snyder
Klein (FL)	Pryce (OH)	Speier
Lampson	Putnam	Watson
Mahoney (FL)	Rush	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1417

Messrs. TANCREDO and INGLIS of South Carolina changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BAY MILLS INDIAN COMMUNITY LAND CLAIMS SETTLEMENT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1298, I call up the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2176

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

SECTION 1. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) ALTERNATIVE LANDS.—The term ''alternative lands'' means those lands identified as alternative lands in the Settlement of Land Claim.

(2) CHARLOTTE BEACH LANDS.—The term ''Charlotte Beach lands'' means those lands in the Charlotte Beach area of Michigan and described as follows: Government Lots 1, 2, 3, and 4 of Section 7, T45N, R2E, and Lot 1 of Section 18, T45N, R2E, Chippewa County, State of Michigan.

(3) COMMUNITY.—The term ''Community'' means the Bay Mills Indian Community, a federally recognized Indian tribe.

(4) SETTLEMENT OF LAND CLAIM.—The term ''Settlement of Land Claim'' means the agreement between the Community and the Governor of the State of Michigan executed on August 23, 2002, and filed with the Office of Secretary of State of the State of Michigan.

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

SEC. 2. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTINGUISHMENT OF CLAIMS.

(a) LAND INTO TRUST; PART OF RESERVATION.—Upon the date of enactment of this Act—

(1) the Secretary shall take the alternative lands into trust for the benefit of the Community within 30 days of receiving a title insurance policy for the alternative lands which shows that the alternative lands are not subject to mortgages, liens, deeds of trust, options to purchase, or other security interests; and

(2) the alternative lands shall become part of the Community's reservation immediately upon attaining trust status.

(b) GAMING.—The alternative lands shall be taken into trust as provided in this section as part of the settlement and extinguishment of the Community's Charlotte Beach land claims, and so shall be deemed lands obtained in settlement of a land claim within the meaning of section 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25 U.S.C. 2719; Public Law 100–497).

(c) EXTINGUISHMENT OF CLAIMS.—Upon the date of enactment of this Act, any and all claims by the Community to the Charlotte Beach lands or against the United States, the State of Michigan or any subdivision thereof, the Governor of the State of Michigan, or any other person or entity by the Community based on or relating to claims to the Charlotte Beach lands (including without limitation, claims for trespass damages, use, or occupancy), whether based on aboriginal or recognized title, are hereby extinguished. The extinguishment of these claims is in consideration for the benefits to the Community under this Act.

SEC. 3. EFFECTUATION AND RATIFICATION OF AGREEMENT.

(a) RATIFICATION.—The United States approves and ratifies the Settlement of Land Claim, except that the last sentence in section 10 of the Settlement of Land Claim is hereby deleted.

(b) NOT PRECEDENT.—The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State.

(c) ENFORCEMENT.—The Settlement of Land Claim shall be enforceable by either the Community or the Governor according to its terms. Exclusive jurisdiction over any enforcement action is vested in the United States District Court for the Western District of Michigan.

The SPEAKER pro tempore (Mr. ROSS). Pursuant to House Resolution 1298, in lieu of the amendment recommended by the Committee on Natural Resources, printed in the bill, the amendment in the nature of a substitute printed in House Report 110–732 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

TITLE I—BAY MILLS INDIAN COMMUNITY

SEC. 101. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) ALTERNATIVE LANDS.—The term ''alternative lands'' means those lands identified as alternative lands in the Settlement of Land Claim.

(2) CHARLOTTE BEACH LANDS.—The term ''Charlotte Beach lands'' means those lands in the Charlotte Beach area of Michigan and described as follows: Government Lots 1, 2, 3, and 4 of Section 7, T45N, R2E, and Lot 1 of Section 18, T45N, R2E, Chippewa County, State of Michigan.

(3) COMMUNITY.—The term ''Community'' means the Bay Mills Indian Community, a federally recognized Indian tribe.

(4) SETTLEMENT OF LAND CLAIM.—The term ''Settlement of Land Claim'' means the agreement between the Community and the Governor of the State of Michigan executed on August 23, 2002, and filed with the Office of Secretary of State of the State of Michigan, including the document titled ''Addendum to Settlement of Land Claim'', executed by the parties on November 13, 2007.

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

SEC. 102. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTINGUISHMENT OF CLAIMS.

(a) LAND INTO TRUST; PART OF RESERVATION.—

(1) LAND INTO TRUST.—The Secretary shall take the alternative lands into trust for the benefit of the Community not later than 30 days after both of the following have occurred:

(A) The Secretary has received a title insurance policy for the alternative lands that shows that the alternative lands are not subject to mortgages, liens, deeds of trust, options to purchase, or other security interests.

(B) The Secretary has confirmed that the National Environmental Policy Act of 1969 has been complied with regarding the trust acquisition of the property.

(2) PART OF RESERVATION.—The alternative lands shall become part of the Community's reservation immediately upon attaining trust status.

(b) GAMING.—The alternative lands shall be taken into trust as provided in this section as part of the settlement and extinguishment of the Community's Charlotte Beach land claims, and so shall be deemed lands obtained in settlement of a land claim within the meaning of section 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25 U.S.C. 2719; Public Law 100–497).

(c) EXTINGUISHMENT OF CLAIMS.—Concurrent with the Secretary taking the alternative lands into trust under subsection (a), any and all claims by the Community to the Charlotte Beach lands or against the United States, the State of Michigan or any subdivision thereof, the Governor of the State of Michigan, or any other person or entity by the Community based on or relating to claims to the Charlotte Beach lands (including without limitation, claims for trespass damages, use, or occupancy), whether based on aboriginal or recognized title, are hereby extinguished. The extinguishment of these claims is in consideration for the benefits to the Community under this Act.

SEC. 103. EFFECTUATION AND RATIFICATION OF AGREEMENT.

(a) RATIFICATION.—The United States approves and ratifies the Settlement of Land Claim, except that the last sentence in section 10 of the Settlement of Land Claim is hereby deleted.

(b) NOT PRECEDENT.—The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State.

(c) ENFORCEMENT.—The Settlement of Land Claim shall be enforceable by either the Community or the Governor according to its terms. Exclusive jurisdiction over any enforcement action is vested in the United States District Court for the Western District of Michigan.

TITLE II—SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

SEC. 201. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTINGUISHMENT OF CLAIMS.

(a) DEFINITIONS.—For the purposes of this title, the following definitions apply:

(1) ALTERNATIVE LANDS.—The term ''alternative lands'' means those lands identified as alternative lands in the Settlement of Land Claim.

(2) CHARLOTTE BEACH LANDS.—The term ''Charlotte Beach lands'' means those lands in the Charlotte Beach area of Michigan and described as follows: Government Lots 1, 2, 3, and 4 of Section 7, T45N, R2E, and Lot 1 of Section 18, T45N, R2E, Chippewa County, State of Michigan.

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

(4) SETTLEMENT OF LAND CLAIM.—The term ''Settlement of Land Claim'' means the agreement between the Tribe and the Governor of the State of Michigan executed on December 30, 2002, and filed with the Office of Secretary of State of the State of Michigan, including the document titled ''Addendum to

Settlement of Land Claim'', executed by the parties on November 14, 2007.

(5) TRIBE.—The term ''Tribe'' means the Sault Ste. Marie Tribe of Chippewa Indians, a federally recognized Indian tribe.

(b) LAND INTO TRUST; PART OF RESERVATION.—

(1) LAND INTO TRUST.—The Secretary shall take the alternative lands into trust for the benefit of the Tribe not later than 30 days after both of the following have occurred:

(A) The Secretary has received a title insurance policy for the alternative lands that shows that the alternative lands are not subject to mortgages, liens, deeds of trust, options to purchase, or other security interests.

(B) The Secretary has confirmed that the National Environmental Policy Act of 1969 has been complied with regarding the trust acquisition of the property.

(2) PART OF RESERVATION.—The alternative lands shall become part of the Tribe's reservation immediately upon attaining trust status.

(c) GAMING.—The alternative lands shall be taken into trust as provided in this section as part of the settlement and extinguishment of the Tribe's Charlotte Beach land claims, and so shall be deemed lands obtained in settlement of a land claim within the meaning of section 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(i)).

(d) EXTINGUISHMENT OF CLAIMS.—In consideration for the benefits to the Tribe under this Act, any and all claims by the Tribe to the Charlotte Beach lands or against the United States, the State of Michigan or any subdivision thereof, the Governor of the State of Michigan, or any other person or entity by the Tribe based on or relating to claims to the Charlotte Beach lands (including without limitation, claims for trespass damages, use, or occupancy), whether based on aboriginal or recognized title, are extinguished upon completion of the following:

(1) The Secretary having taken the alternative lands into trust for the benefit of the Tribe under subsection (b).

(2) Congressional acceptance of the extinguishment of any and all such claims to the Charlotte Beach lands by the Bay Mills Indian Community.

(e) EFFECTUATION AND RATIFICATION OF AGREEMENT.—

(1) RATIFICATION.—The United States approves and ratifies the Settlement of Land Claim.

(2) NOT PRECEDENT.—The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any Indian tribe and State.

(3) ENFORCEMENT.—The Settlement of Land Claim shall be enforceable by either the Tribe or the Governor according to its terms. Exclusive jurisdiction over any enforcement action is vested in the United States District Court for the Western District of Michigan.

The SPEAKER pro tempore. Debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, and 20 minutes equally divided and controlled by the chairman and ranking member of the Committee on the Judiciary.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes, and the gentleman from Michigan (Mr. CONYERS) and the gentleman from Iowa (Mr. KING) each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. 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 material on H.R. 2176.

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

There was no objection.

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

Today, the Committee on Natural Resources is continuing our effort to bring justice to Indian country. Last year, the committee brought to the full House legislation to finally provide Federal recognition to the long suffering Lumbee Tribe in the State of North Carolina.

We also brought to the floor legislation to grant Federal recognition to six Virginia tribes 400 years after the founding of the Jamestown settlement. These were the very tribes that greeted the English settlers when they landed on our shores.

Today, we are considering legislation to end a 153-year odyssey involving two federally recognized tribes in the State of Michigan—the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians.

This bill seeks to settle legitimate land claims of these two Indian tribes. I would note that the resolution of Indian land claims is something that is vested with the Congress, and Congress has taken this type of action on numerous occasions. No precedent is being set by these bills.

The genesis of the pending legislation dates back to 1807 when the Chippewa ceded much of what is now the State of Michigan in a treaty with the Governor of the Michigan Territory. Subsequent treaties ensued in 1817, 1820, 1836, and in 1855.

In the case of both the Bay Mills and the Sault Ste. Marie, the 1855 Treaty of Detroit set aside land, in what is now known as Charlotte Beach, for their exclusive use. However, shortly after the treaty was concluded, that very land was sold to non-Indian speculators.

This is hardly the first time something like this was done to Native Americans, but it is another indictment in the long and sad chapter of their past treatment by those with wealth and power.

At present, some 100 non-Indian landowners reside on the Charlotte Beach land, under a clouded title, due to the legitimate land claims filed by the Bay Mills and the Sault Ste. Marie. This makes it impossible for the residents of Charlotte Beach to receive title insurance—depressing land values and making it difficult to obtain mortgages, among other issues.

The Interior Department has testified to the legitimacy of the land claims in question. Their legitimacy has also been recognized by two Governors of the State of Michigan—Republican John Engler and current Democratic Governor Jennifer Granholm.

Indeed, Jennifer Granholm stated in a letter addressed to me: ''The Federal courts have held that both the Bay Mills Tribe and the Sault Ste. Marie Tribe trace their ancestry to the two Chippewa bands named in the deed to the disputed Charlotte Beach lands and that both tribes, accordingly, share in any potential claim based on those lands.''

To be clear then, that is what is at issue with the pending legislation—the settlement of these land claims. There is no administrative process available to accomplish this. It is something that is solely vested with the Congress.

The pending measure would implement a settlement agreement entered into by the Governor of Michigan, the Bay Mills and the Sault, and in doing so, it would clear the land title cloud that has hung over the residents of the Charlotte Beach area.

Under an agreement reached with the Bay Mills and with the Sault Ste. Marie Tribe, initially with Governor Engler and subsequently with Governor Granholm, the tribes would relinquish their land claims at Charlotte Beach, and instead, would be able to take into trust land at, in the case of the Bay Mills, Port Huron, Michigan, and in the case of the Sault Ste. Marie, either Flint, Monroe or Romulus, Michigan.

Under this settlement agreement, gaming is authorized on the new reservation lands at Port Huron and at either Flint, Monroe or Romulus.

However, in my view, the primary concern of Congress is the settlement of the land claims. What then occurs is a matter that is up to the State of Michigan, its political subdivisions, and the affected tribes.

Finally, Mr. Speaker, I would note that all Representatives of the House of Representatives whose congressional districts contain either the lands where the existing land claims rest or the areas where the new reservation lands would be created support these two bills—the dean of our House, Chairman JOHN DINGELL; Representative BART STUPAK; Representative DALE KILDEE, and Representative CANDICE MILLER. I would also note that the municipalities involved support this settlement.

I have set out the facts, Mr. Speaker, the historical record regarding these two tribes and their Charlotte Beach land claims. I do believe that the deliverance of justice is on the side of these two tribes and of the legislation we are considering today.

I reserve the balance of my time.

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

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, Chairman RAHALL has summarized the settlement history of the Bay Mills land claim as well as the related and

commingled claim of the Sault Ste. Marie Tribe. Therefore, I will limit my remarks to why I believe this amended bill, which is championed by my good friends from Michigan, Chairman JOHN DINGELL, Chairman BART STUPAK, and CANDICE MILLER, deserves the support of the Members of this House.

Before the House today are two bills combined to resolve a problem affecting two tribes in the Upper Peninsula of Michigan and a number of non-Indian landowners in an area of Michigan known as Charlotte Beach.

Let me point out the support for this bill in the districts that are affected by them. The Members representing Bay Mills and the Sault Ste. Marie Tribes support the bill. The two Members representing districts where lands will be placed in trust support the bill.

Finally—and this is very important—this settlement deal was negotiated by former Governor John Engler and is supported by Governor Granholm.

It has been my practice—and I hope most of you understand—to defer to the Members whose districts are affected by legislation because that Member best represents the views of his constituents and knows his district best. Of course, I can only wish that others would respect this practice when it comes to Alaska. If so, we would be enjoying 42 million gallons of oil a day from ANWR. Instead, we have Members whose districts are thousands of miles away and who are encasing this key to American oil independence and lower gas prices in crystal by declaring it a wilderness. That is something that even President Jimmy Carter, in his cardigan sweaters, refused to do during the height of our gas crisis.

Getting back to H.R. 2176, this bill settles two Indian land claims without costing any Federal or State dollars and without imposing taxes or fees on anyone. In fact, under the settlement deals, the tribes are going to share revenues with the State of Michigan and with local communities.

The bills are consistent with the compact agreed to by the tribes and by the Governors pursuant to the Indian Gaming Regulatory Act.

In this Congress, we have passed bills that recognize some tribes on the condition that such tribes forego gaming. We made this condition a part of their recognition of the bills. This breaks with long-standing precedent and with treating Indian tribes on an equal footing with one another. But we did it out of deference to the Members who represent the tribes, out of deference to the Governors of the States affected, and out of deference to the wishes of local communities.

If we want to remain consistent in this policy, then we should agree to the request of the Members and of the Governors and of the local communities of Port Huron and Romulus.

I understand there is opposition to this bill. By the way, Mr. Speaker, I probably shouldn't say, but this bill should never have gone to Judiciary. Mr. Speaker, it should never have gone to Judiciary. This is not your jurisdiction. This is the jurisdiction of Natural Resources only, and for some reason, somebody tried to placate somebody and send it over to Judiciary. Judiciary has no jurisdiction over this bill. IGRA is under the jurisdiction of the Resources Committee.

I understand the opposition. On the one hand, we must defer to Governors and to Members who don't want gaming, but on the other hand, we are hearing we must not defer to Governors and to Members when they want to permit and to regulate gaming. This is confusing.

Most of the opponents of these bills don't live in the area affected by the legislation. I note that none of the amendments filed to this bill were from the Michigan delegation.

So why are they opposed? I believe it is fear of competition. The tribes whose lands are settled by H.R. 2176, as amended, have every right under the law to provide economically to their members. That they choose to do so by operating casinos is their choice, as well as that of the Governor of Michigan. These enterprises will supply jobs to the area, will provide funds for health care, and will provide better education for Native Americans, and they will do so by engaging the oldest American economic policies—good old-fashioned, competitive capitalism.

□ 1430

This is not the first time that Congress has taken lands into trust for tribes outside traditional reservation boundaries and has allowed the tribes the full economic benefit of these lands. As one example, I point to the Omnibus Indian Advancement Act from the 106th Congress. That law directed the Secretary of the Interior to take land into trust for two tribes—the Lytton Rancheria and the Graton Rancheria—which may not have been part of the tribes' historical ranges. In each case, just like the bill being considered today, gaming was not barred. Certainly, this is a common result whenever Congress or the administration recognizes a landless tribe or restores land to a tribe.

In the meantime, the property owners in Charlotte Beach have watched the value of their property plummet, something like 90 percent in some cases. The cloud on the title to their land, resulting from the land claims, has made it nearly impossible for them to sell or to secure a mortgage. This isn't right, and it isn't right to leave them hanging when the Governors of Michigan, the legislature, the affected communities, and their Representatives want to move these settlements forward.

This bill will end this ordeal that they're all facing.

Once again, I do urge support of H.R. 2176, as amended, and urge passage.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, could I bring the temperature down somewhat from the speakers by pointing out to my good friend from Alaska that this matter is within the Judiciary Committee because the Parliamentarian said so? So for the gentleman to make this assertion that we have no claim of jurisdiction here is one of the errors that he has made in his presentation.

Now, ladies and gentlemen, I'm so proud that nobody has mentioned casinos yet, because that means the casinos are not an issue, of course, in this matter. Or you mentioned gaming. Okay. Chairman RAHALL concedes that he did mention gaming.

Well, let me tell you something. This is just like H.L. Mencken. When they say this is not about money, Mencken says that means it's about money.

Now, it just so happens that, on three occasions, these tribes have tried to get the Department of Interior, which is where this goes—and as for this business about its being in the exclusive jurisdiction of the Congress, we don't sit around here, ruling on this business. We can override the established procedures if we want to, and here, we want to because the Department of Interior has turned down these claims three different times—in 1982, 1983, and 1992. They said ''no.'' The reason was they weren't meritorious.

And then an enterprising member of the bar—and I hate to tell you that that was his profession—said, Ah, I've got an idea. Wait until you see the charts that show how far Sault Ste. Marie and Bay Mills are from where they want to locate the casinos.

I said it was 350 miles away. It's 348 miles away. I'm sorry. So let's come clean, okay?

Now, the lady I supported for Governor, Governor Granholm, overrode the State legislature to send you that letter, and it's not going by the Indian Gaming Regulatory Commission rules or her own State's rules. The people in Michigan have voted down casinos already. And, the former Governor Engler, wow. He tried to stick it in bills coming over here. He never would have done what we are doing here today but for the same reasons of concern that those proponents of the bill have reason to be concerned right now.

So that's the story, folks. If you want to start a run on forum shopping for casinos, this is going to be the first bill that does it.

It is no joy for me to be before you opposing legislation reported by the Natural Resources Committee and my friend NICK RAHALL, and supported so strongly by my friends JOHN DINGELL and BART STUPAK.

But this is bad legislation. I regret that the House is having to consider it. And I must strongly oppose it.

Those pushing this legislation on the House do not always like to emphasize the fact that it is about legalizing casino gambling where it would not otherwise be legal—pure and simple.

And not just in two corners of Michigan. This is not a local Michigan issue—leaving

aside that the Michigan delegation is sharply divided itself.

This would create a national blueprint for casino forum shopping, where no corner of the country would be safe from the designs of any developer or casino operator, working in league with any far-off Indian tribe.

They say it does not set a precedent—says so right in the bill: ''don't look for a precedent here.'' Who are they trying to kid?

This legislation is highly controversial, and with good reason. Earlier today I discussed the dubious origins of this supposed Indian land claim. Let me now turn to other major flaws in this proposal.

To begin with, it spurns every single procedure Congress established under the Indian Gaming Regulatory Act to balance the sovereign rights of Indian tribes to conduct their own affairs, on their own lands, with the legitimate concerns many of our citizens have with the potential spread of casino gaming into their communities.

It simply declares the process to be completed, and the two tribes to have succeeded.

The bill's proponents will tell you that the bill complies fully with the process set out in IGRA. But it does not; it simply jumps to the finish line and arbitrarily deems the process to be satisfied.

Section 102(a)(1) orders the Interior Department to take the lands into trust.

Section 102(a)(2) directs that the lands become part of the tribe's reservation.

Section 102(b) declares that the process complies fully with all the requirements of the Indian Gaming Regulatory Act for purposes of legalizing a casino on the new lands.

What could be simpler? Or more manipulative?

Let's not kid ourselves. That's not complying with process; that's doing a preemptive end run around it.

This bill shows absolutely no regard for the established process.

No regard for the usual review in the Interior Department, who opposes this bill.

Don't be fooled by rumors of some high-level private go-ahead. The Interior Department has testified against this legislation—publicly—twice in the last 5 months—before the Resources Committee, and before the Judiciary Committee.

No regard for Michigan voters, who passed a referendum in 2004 restricting the expansion of casino gambling in their State. The bill does an end run around that process as well.

The proponents claim that there is an exemption in the referendum for casinos on Tribal lands.

Well, of course there is. That's required by tribal sovereignty under Federal law. That would be the case whether the referendum said so or not.

But no one in their wildest dreams ever imagined that someone would try to twist the common-sense concept of ''Tribal lands'' to sweep in lands 350 miles from the Tribe's ancestral homelands.

This bill does not honor the referendum. It blows a gaping hole through it, and utterly violates the spirit of the voters' decision to limit the spread of casinos in their State.

No regard for the other Indian tribes in Michigan, all of whom signed compacts in 1994 solemnly pledging, as a means of curtailing the impulse to build new casinos far and wide, that revenues from any off-reservation casino any of them built would be shared among them all.

This bill simply blesses a superseding compact for these two tribes that lets them off the hook, without going through any of the established process for negotiating and approving a new compact.

The Indian Gaming Regulatory Act rightly disfavors off-reservation casino gaming.

And as set forth in greater detail in the Interior Department guidelines, the greater the distance involved, the greater the risk of harm to tribal welfare, and the more tenuous the benefits.

The distance involved here—350 miles from the reservation—is a whole new order of magnitude. And the tribes involved have no known historical connection whatsoever to the lands they would acquire.

The proponents say there is a precedent. But what they are referring to is no precedent at all.

The Torres-Martinez case was brought by the Interior Department on behalf of the tribe, for reservation land that an irrigation district had placed under water.

Under the settlement, the tribe was allowed to acquire land in trust within 10 miles of its existing reservation—that land also had to be within its historical territory.

The tribe has not built a casino on that land, and has no plans to.

Furthermore, the land claims here being enlisted in the service of obtaining these off-reservation casinos have already been rejected by the courts.

And they are not even claims involving the United States. They are strictly private claims, against the State of Michigan, bearing no relation whatsoever to the kind of claims that could legally be settled under the Indian Gaming Regulatory Act.

This legislation is supported by exactly two tribes in Michigan—the two who expect to get off-reservation casinos they could not hope to obtain under established legal process.

It is opposed by other Michigan tribes, who are joined by over 60 tribes across the country.

Not because they oppose Indian gaming. They all have their own interest in preserving their rights to build casinos on their own lands.

What they are opposed to is the free-for-all that would predictably ensue if this unprecedented effort to circumvent the law—a law they have all lived under for 20 years—were to pass.

This legislation is also opposed by the NAACP because of its lack of basic procedural fairness, due process, or any respect for voters in communities across the country who may understandably have concerns about casinos being built in their neighborhoods.

Let me also say a word about the view of organized labor. And I say this as someone who has a labor voting record in Congress, over almost 44 years, that is second to no one's.

This bill is supported by some in labor; it is opposed by others.

Labor is not united. And why would they be? If this legislation has any direct effect on jobs, it will be only to move them from one casino in Michigan to another.

For these and other reasons, the House Judiciary Committee, which received a sequential referral of this legislation, voted unanimously to oppose it.

By passing legislation favoring the narrow interests of the Bay Mills and Sault Ste. Marie tribes and their private-sector allies, Congress would set a dangerous precedent for sidestepping the established review process for land claims, and create a shortcut for spreading casino gambling into every corner of the country.

We should not start down that path. The tribes should pursue whatever claims they may have through the normal procedures—and succeed or fail on the merits.

And so I strongly oppose this bill, and urge everyone else in this body to do likewise.

I reserve the balance of my time.

Mr. KING of Iowa. I yield myself so much time as I may consume.

Mr. Speaker, I rise in opposition to this bill, H.R. 2176. In unanimity and purpose and philosophical intent with the chairman of the full Judiciary Committee and, by the way, in consistency with all of the folks who voted on this bill out of the Judiciary Committee, regardless of the assertions of who had actual jurisdiction, that's where it was directed.

I'm interested in this bill for a number of reasons. First of all, when you have a reservation where they comply with regulations and go through the Indian Gaming Act and get the authority to establish a gaming facility, that's on the reservation. But I would submit, Mr. Speaker, that 350 miles away is off the reservation. And I think the motive of this thing is way off the reservation.

In fact, the precedent that would be set by this bill would be a precedent, and I understand there's language in the bill that says it doesn't set a precedent. My comment is, Yeah, right. Everything we do around here sets a precedent. In fact, it sets a pattern for the rest of the reservations in the country.

We've got to say ''no'' at this point. If not, we will be back here. The chairman of the Judiciary Committee's comment is well taken. It sets a pattern that all of the reservations and the tribes in the country will look at, and they will say how can we also go off the reservation and establish a gaming facility.

For those reasons, I oppose this bill, H.R. 2176.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve.

Mr. CONYERS. Mr. Speaker, I would yield 3 minutes to the gentlewoman from Las Vegas (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise once again in strong opposition to H.R. 2176. I believe this bill will lead to an unprecedented expansion of off-reservation Indian gaming by offering a blueprint to any Indian tribe that wants to circumvent the laws regulating Indian gaming in order to build a casino outside the boundaries of its sovereign territory.

This debate is not about the right of American communities and Indian

tribes to participate in gaming. I have no problem with other communities trying to replicate Las Vegas' experience, which has been so very successful, and I support the rights of tribes to participate in gaming on their reservations as both of these tribes already do. But the bill we are considering today is an attempt to circumvent the Indian Gaming Regulatory Act by using a bogus land claim, a bogus land claim that has already been tossed out of both Federal and State courts.

Now, our proponents say that we are here because we want to improve a legitimate land claim and want to have justice for our Indian friends. Well, justice has already been served. This bogus claim has been thrown out of Federal court and State court.

The result, if this bill passes, will be two new off-reservation casinos more than 350 miles from the lands of these two tribes. And 350 miles is a very substantial amount. It is from Washington, D.C. to Cleveland, Ohio. And beyond that, if this bill becomes law, any one of the more than 500 recognized Native American tribes can argue that they have the right to sue private landowners in an attempt to bargain for gaming off their reservations. Let's circumvent the Indian gaming laws, come directly to Congress, and Congress can end up spending all of our time approving Indian gaming casinos on every street corner in every American city.

How do we know this land claim is bogus? Because the chairman of the Sault Ste. Marie Tribe called it shady, suspicious, and a scam until he joined with the other tribe and switched his position.

More than 660 tribes are opposed to this legislation in which Congress, for the first time, will allow a tribe to expand its reservation into the ancestral lands of another tribe for the express purpose of gaming. This bill is opposed by the Department of the Interior, the NAACP, UNITE HERE, more than 60 tribes across the United States, and by a unanimous vote of the Judiciary Committee.

To sum up this issue, Congress is being asked to pass special interest legislation benefiting only two tribes, each of which already has gaming.

The SPEAKER pro tempore. The time of the gentlewoman from Nevada has expired.

Mr. CONYERS. I yield the gentlelady 15 more seconds.

Ms. BERKLEY. This, remember, is based on a suspect land claim that has already been thrown out of the State and Federal courts so that they can open up a casino hundreds of miles from their ancestral lands and in direct competition with existing facilities.

I urge a ''no'' vote on this very bad piece of legislation.

Mr. KING of Iowa. Mr. Speaker, I reserve.

Mr. RAHALL. Mr. Speaker, would you tell us how much time is left for all Members.

The SPEAKER pro tempore. The gentleman from West Virginia has 15 minutes remaining; the gentleman from Alaska, 14½; the gentleman from Michigan, 3 minutes; and the gentleman from Iowa, 8½.

Mr. RAHALL. Mr. Speaker, I am very happy to yield 3 minutes to the distinguished member of our Committee on Natural Resources, a member of my class as well, and from the State of Michigan, Mr. DALE KILDEE.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the land claim settlement legislation relating to the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Michigan. I have considered several factors that, when taken together, would move me to speak strongly in favor of final passage.

First, the legislation before us has bipartisan gubernatorial support. In 2002, then-Republican Michigan Governor John Engler signed two separate agreements between the Sault Ste. Marie Tribe and the Bay Mills Indian Community in order to settle the disputed, and still disputed, land claims in the Charlotte Beach area of Michigan. And, in November of 2007, the present Democratic Governor, Jennifer Granholm, amended and reaffirmed these agreements, and she strongly supports those bills.

Second, my own hometown of Flint, Michigan, supports bringing an Indian casino to the city. Flint Mayor Don Williamson gave testimony through the Natural Resources Committee this year, expressing his strong support for these proposals. And the City Council of Flint passed a resolution supporting similar legislation that was followed by the people of Flint voting in a citywide referendum in support of bringing an Indian casino to Flint.

Mr. Speaker, faced with Flint's economic difficulties and the need to settle these Indian land claims, I strongly support this bill.

Under the settlement agreement, the Bay Mills Indian Community would acquire one parcel of land in Port Huron, Michigan, while the Sault Ste. Marie Tribe would acquire one parcel of land, the location to be determined by the tribe with the approval of the local governing body. That site would be limited to the County of Monroe or to the City of Romulus or to the City of Flint.

Finally, as has been spoken before, only Congress has the legal authority to extinguish the land claims of Indian tribes, and it has done so on several occasions, and that is why this bill is before us today. And that law dates back to the first Congress of the United States.

To summarize, two Governors of Michigan have signed compacts with these two tribes to accomplish this. The three cities that would be affected have voted to welcome these tribes, and the three Members of Congress representing those cities are strongly in support of this bill. This bill will bring justice to these Indian tribes, and it will help the economy of the cities involved.

I strongly urge my colleagues to support this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I have listened very intently to this debate. The thing that bothers me the most is that this is about competition. That's all it is. Let's face it. It's competition.

□ 1445

I'm a little disturbed that the casinos in Detroit that are owned by Indian tribes now are objecting to their brethren, because it's about competition.

We have been over this time and time again. This is not a new bill. This is an attempt to settle a land claim by those who own land and who no longer have title of it because of a court ruling. This is not just about casinos.

And by the way, to the chairman of the Judiciary, I did mention ''casinos'' in my statement. It's there, I want you people to understand, and I did mention ''gaming,'' but I did say ''casinos,'' too. I'm not trying to hide anything. This is their prerogative under IGRA to have the title to this land.

This land was not voluntarily given away. This land was taken. The State of Michigan said it was taken. The courts have said it was taken. These tribes have a legal title to this land. And, until they get that land, the people who now have homes, who have stores that have been inherited from their parents, that title is not theirs.

But we have those in Detroit and those interests from outside of Michigan that don't want any more competition. Competition, apparently, is bad for the American way. I think it's good.

Again, let's go back to those people who represent the area. And the Governor and the community all support this bill.

I reserve my time.

POINT OF ORDER

Mr. CONYERS. Mr. Speaker, point of order.

Can you ask that gentleman to sit down and to shut up up there? I don't care who he is.

The SPEAKER pro tempore. Occupants of the galleries will be in order.

Mr. CONYERS. I'm pleased now, Mr. Speaker, to recognize the chairperson of the Congressional Black Caucus, CAROLYN CHEEKS KILPATRICK from Michigan, and I would yield her 1½ minutes and would ask the ranking member of the Judiciary to do the same.

Mr. KING of Iowa. I'm happy to yield 1 minute to the gentlelady from Michigan.

Ms. KILPATRICK. Mr. Speaker, I thank the chairman for yielding, as well as the gentleman from Iowa for yielding me my time.

This is about the law. This is about the law. This is about Michigan's law. In 1993, after 20 years of trying, the

Michigan legislature—I, a member at that time, and others—passed a law that, after many referendums in the City of Detroit, a referenda would be held throughout the State of Michigan that said who could have casinos. We were allowed that after 20 years of working on that.

In 1994, back to the people of the State of Michigan, there was a referenda that said if you are to have a casino you must come back to the people. This law circumvents that. There are 18 Native American tribes in Michigan. All but two who are getting this casino deal do not support this legislation, mainly because, in the Michigan compact, Native Americans share in the net profits. This bill would not allow the other 16 tribes to share in the profits, thereby putting their own reservation casinos in jeopardy, while at the same time rewarding 2 and not the other 16 sharing the profits.

There's a way to fix this. Go back to the ballot box, which is what the Michigan law says. Let the people of Michigan speak on this. Casinos are regulated by States, as IGRA gives them that authority, not by the Federal Government.

Much has already been said, and I will tell you who opposes this: The Bureau of Indian Affairs, the U.S. Department of Interior, the National Indian Gaming Association, UNITE HERE, AFSCME, NAACP. We can fix this, but go through what everybody else went through to get gaming and casinos in their community.

The Native Americans asked for it. Over 60 tribes across this country oppose this legislation. Why must we circumvent them and come here? It's not about competition, as Americans love competition, and we support that. Go through the process. Respect the law.

Native American tribes deserve better, and we want to see that happen.

Mr. Speaker, thank you for your kind consideration and care when, in December of 2007, you agreed with me that both of these bills should not be brought to the floor without being considered under regular order. The House Natural Resources Committee and the House Judiciary Committee both had hearings on these bills, and while the Natural Resources Committee reported the bill favorably by a 21 to 5 vote, the House Judiciary Committee reported the bill unfavorably by a zero to 29 vote. Since that vote, both of these bills are opposed by 16 of the 18 tribes that are in the State of Michigan; and opposed by over 60 Native American tribes across the country; by both Michigan's AFSCME and the NAACP; and finally, the U.S. Department of Interior not only opposes the bills but questions the validity of the land claim that they purport to forward.

In essence, both of these bills will allow two Native American tribes located in Michigan's Upper Peninsula to build casinos 350 miles from their reservations and near the city of Detroit and in Port Huron, Michigan. I vehemently oppose both of these bills.

My reasons for opposing these bills, which will allow land to be taken into trust for gambling purposes for the settlement of proposed land claims, are actually very simple. These bills set a dangerous precedent for Congress; they contravene Michigan State law; they are very controversial among the tribes in Michigan and throughout Indian Country; it is not clear that these land swaps are valid; and finally, Congress has not had a comprehensive review of the Indian Gaming Regulatory Act, IGRA, in nearly two decades. Furthermore, it is important to note that these land claims have never been validated by the U.S. Government or any court of law. In fact, the courts have ruled against the Bay Mills Tribe on their claim on two separate occasions.

The people of Michigan have spoken at the ballot box about gaming expansion in our State. In 1994, they voted to allow three casinos in the city of Detroit. In 2004, the people voted to limit any more expansion of gaming unless there was a statewide referendum. In addition, the Michigan Gaming Compact specifically prohibits off-reservation gaming unless all of the tribes in Michigan agree to a revenue-sharing plan. These two bills are simply an attempt to circumvent both the will of the people of Michigan and the compact the Michigan State Legislature has made with the tribes in Michigan.

Instead, these bills would have Congress mandate not one, but two off-site reservation casinos located over 350 miles away from the reservations of these tribes. Moreover, the disputed land is located near the two tribes reservations in the Upper Peninsula but yet the land they want for a ''settlement'' is located 350 miles away near the city of Detroit. If these bills were to become law, what would prevent other tribes from seeking a land claim anywhere in the United States for off-site reservation gaming? Is this the real intent of the Indian Gaming Regulatory Act?

It is indeed ironic that in the 109th Congress, the House Resources Committee, on a bipartisan basis, passed legislation by an overwhelming margin to restrict off-site reservation gaming. Yet today, it now seeks to expand Native American gaming in an unprecedented manner.

Congress passed the Indian Gaming Regulatory Act in 1988 that allows tribes to conduct gaming on lands acquired before October 17, 1988. In 1993, former Governor John Engler negotiated a gaming compact with the seven federally-recognized tribes in Michigan, including the Bay Mills and Sault Ste. Marie Tribes.

In order to prevent a proliferation of Indian gaming across the State, a provision was added to the compact that required any revenue generated by off-reservation gaining be shared among the tribes who signed the compact. This provision has worked well for over 15 years. The two bills before Congress today would simply nullify this critically important provision of the Michigan Gaming Compact. Both of these bills would allow the tribes to; (1) settle a land claim that has never been validated and is located near their reservations in the Upper Peninsula of Michigan and (2) acquire lands 350 miles from their reservation to build casinos. Furthermore, these bills actually include gaming compacts in them that were never approved by the Michigan State Legislature who has approved every other gaming compact. It is important to note that Congress has never passed a gaming compact in the history of Indian gaming. IGRA specifically grants that authority to the States.

In 2004, the voters of Michigan spoke again in a statewide referendum and overwhelmingly approved a ballot initiative that would restrict the expansion of gaming in the State of Michigan. This referendum would require local and statewide approvals for any private expansion of gaming in Michigan.

The people and the elected officials of Michigan already have a solution to this matter—the ballot box. There is nothing in the referendum that would prevent the two tribes and their non-Indian developers from initiating a statewide referendum to get casinos in Port Huron and in Romulus. In fact, both of those cities have already passed local referendums. But the tribes and their developers decided to short-circuit the vote of the Michigan people and come to Congress to get a casino on a proposed land claim that is located near the tribes' reservation lands in the upper peninsula of Michigan.

I am aware that the Governor of Michigan has sent the House Natural Resources Committee a letter supporting these bills. You should know that there is no legal basis for the State to support these agreements because, in fact, the State has already won this case in the Michigan Court of Claims and the Bay Mills Tribe appealed it all the way to the U.S. Supreme Court. The Supreme Court subsequently declined to hear the case.

The Governor ignored the fact that the city of Detroit will be the main victim of the State's largess in these casino deals. The city of Detroit will lose hundreds of millions of dollars as a result of the competition of these new casinos and that will cause irreparable harm. Harm to whom? Harm to the current investors of the casinos in the city of Detroit, who have invested more than $1.5 billion in the construction of the three casinos in the city of Detroit. Harm to the thousands of jobs that have been created and the tax revenue that those jobs generate for the city of Detroit and the State of Michigan. Ultimately, this will harm the State. When compared to their private counterparts, Native American gaming sites, because they are sovereign nations and must share their revenue with other Native American tribes, do not bring in the tax revenue of private investors.

In the end, these two tribes are seeking to do an end-run around two statewide referendums and the Michigan Gaming Compact of 1993. Rarely have voters in any State in this country spoken so clearly on gaming issues. In light of all of this, it would be a travesty for Congress to mandate two off-site reservation gaming casinos that would have such a negative impact on the people in Michigan.

But, for the moment, let us ignore the impact that these bills will have on the city of Detroit. Let us ignore the precedent that these bills will set, allowing any Native American tribe to claim any piece of land hundreds of miles away, as their native tribal land. Let us ignore the fact that IGRA has not been reauthorized in more than two decades, and clearly needs to be revisited and revised by Congress. What I cannot ignore is the strong possibility that the very integrity of Congress is in jeopardy.

On October 10, 2002, in testimony before the Senate Committee on Indian Affairs, the chairman of the Sault Ste. Marie Tribe, Bernard Boushor, said ''the Bay Mills case was a scam from the start.'' In testimony and information provided to the House Natural Resources Committee in February of this year, Saginaw Chippewa Chief Fred Cantu cited

Chairman Boushor's testimony, stating that the original lawsuit on the land claim was a collusive lawsuit.

The proponents of this legislation have repeatedly stated that these bills are simply to address the aggrieved landowners in Charlotte Beach. But according to the Sault Ste. Marie Tribe ''the Charlotte Beach claim did not originate with Bay Mills. It was a product of a Detroit area attorney who developed it specifically as a vehicle to obtain an IGRA casino . . . the goal was never to recover the Charlotte Beach lands.''

How was this originally a collusive lawsuit? The Bay Mills Tribe sued Mr. James Hadley on October 18, 1996 who entered into a settlement in which he gave land to the Bay Mills Tribe 300 miles from their reservation to build a casino in Auburn Hills, Michigan. That plan was rejected by the Department of the Interior. The point is that Mr. Hadley was not an aggrieved landowner, he was an active participant in what the Sault Tribe described as ''a collusive lawsuit'' and ''a scam.''

I strongly encourage all of you to read the testimony of the former Sault Ste. Marie chairman before the Senate Committee on Indian Affairs, the testimony of the Saginaw Chippewa Chief Fred Cantu, and review the documents Chief Cantu provided to the Committee, which was provided to the House Natural Resources Committee at its hearing in February and to the House Judiciary Committee at its subsequent hearing.

There is a way to save the integrity of Congress. The Saginaw Chippewa Tribe has requested that the U.S. Department of the Interior investigate the land claims made by these tribes, and determine whether they are valid claims, worthy of Federal resolution. It is my understanding that the Department of the Interior is reviewing the validity of these land claims. I would urge the Committee to wait until this investigation is complete until it rushes into passing legislation that mandates off-reservation gaming.

Congress should not be in the business of handing out off-site reservation gaming casinos. It is my hope that the wisdom of Congress is the rejection of both of these bills for the following reasons:

These bills set a dangerous precedent for Congress by approving a compact which is a State, not a Federal, responsibility;

They contravene Michigan State law;

They are controversial among the Native American tribes in Michigan; indeed, nine out of Michigan's 12 tribes oppose these bills;

The city of Detroit would lose thousands of jobs and hundreds of millions of dollars in the investments made by the three casinos currently operating in Detroit;

The Bureau of Indian Affairs has already rejected a similar application for gaming in Romulus, Michigan;

These bills would involve the removal of valuable land from the tax rolls of the State of Michigan, resulting in the potential loss of even more revenue;

It is uncertain that these land swaps are legitimate, possibly jeopardizing the integrity of the U.S. Congress;

The Committee should allow the Department of the Interior the time to do their due diligence to determine if these are valid land claims; and

Congress needs to revisit, revise and reauthorize the IGRA, which has not had a comprehensive review in nearly two decades.

Let me state for the record, once again, that I am not opposed to more gaming in the State of Michigan. I am also not opposed to off-site reservation gaming. I have been opposed, am currently opposed, and will always be opposed to any measure, any bill, any regulation that says that the will of the people does not matter. The will of the people is tantamount. It is my hope that the wisdom of Congress prevails and that the voice of the people matters in rejecting these bills on the floor today.

Mr. RAHALL. I reserve the balance of my time, Mr. Speaker.

Mr. YOUNG of Alaska. I reserve.

Mr. CONYERS. I've got to reserve. I've only got 1 minute left, Chairman RAHALL.

Mr. RAHALL. Mr. Speaker, I'll be glad to yield to the distinguished dean of the House of Representatives—the gentleman from Michigan, a dear friend to all of us regardless of our position on this issue—Chairman JOHN DINGELL, 5 minutes.

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

Mr. DINGELL. I want to commend and thank my good friend from West Virginia and my good friend from Alaska for their gracious kindness in this matter.

This is a cry for justice from Indians who have had their land unjustly and improperly taken from them. It is not a violation of Indian gambling law, and this is the only place in which those Indians can get justice. They asked for justice.

Now, you've just heard a lot of things, and there are a lot of people on this floor who are entitled to their own view, but they are not entitled to their own facts.

What are the facts? Under Michigan law, this is legal. Here's a copy of the vote and the ballot that was put before the people of Michigan. It specifically excludes this kind of transaction, and it says that it will ''not apply to Indian tribal gaming'' and then goes on to say ''or gambling in up to three casinos located in the City of Detroit.'' It doesn't apply. That's hooey.

Now, let's take a look. The claim is legitimate. The land was stolen from the Indians in an improper tax sale, and until this matter is resolved, there will be no peace in the area. The Indians will be denied justice, and land titles and land settlements in the northern part of Michigan will be clouded for years to come.

This came out of the committee 22–5. It has been heard many times.

Now, the legislation follows—it does not set—congressional precedent in dealing with Indian land claim settlements. In fact, the Congress, as mentioned by the gentleman from Michigan, has the sole power to extinguish land claims, since the very first of the Congress, and it follows precedents set by Torres Martinez, the Timbisha Shoshone, the Mohegan Tribe, the Seneca Nation of New York, and the Mashantucket Pequot Tribe in 1983.

This is drastically different than off-reservation gambling. In that scenario, the tribe purchases land and then the Secretary lets them go down there and gamble. This is not so. As mentioned, it fully complies with the requirements of the Indian gambling law.

The land was not selected by the Indians. It was selected by the Governor of the State of Michigan, John Engler, and it was ratified by the Michigan legislature and by our current Governor, with a change in the law.

The votes of the people of the communities have supported the fact that if gambling is to occur in these communities it will occur. The people of the State of Michigan, the people of the cities involved have come out and have said they want this to take place.

Let us give justice to the Indians. The bill does not, I repeat, violate the will of the people of the State of Michigan.

And the legislation is going to bring desperately needed jobs to southeast Michigan, some 4,000 in my district, some 1,000 in that of the distinguished gentlewoman from Michigan (Mrs. MILLER). It is supported by unions that believe that this will bring good union jobs to Michigan and that it will help the Indians.

As repeated, there are two groups here who oppose this legislation. One group is of those who legitimately oppose gambling. That's a matter of concern to them, and I respect their judgment. The rest are those good-hearted folk who seek an unfair advantage. They want to protect and preserve their outrageous monopoly on gambling. That's what's at stake. That's all that's involved here; a bunch of goodhearted people are seeking special preference for themselves.

A Member came over to me, and he talked about Abramoff. I remember Abramoff, a very unsavory individual, and the interesting thing is that Abramoff was hired at a high price to oppose the legislation we are discussing today. So, if you're concerned about voting with Jack Abramoff, don't vote against the bill; vote for the bill. The Abramoff vote is a ''no'' vote. The right vote is an ''aye'' vote.

Vote to give justice to the Native American people. The citizens of the communities in which these facilities will be located legally, legitimately and properly are, in my district, in one city, 100 percent African American and, in the other, 50 percent African American. There is no racial question here. If you are looking to do racial justice, support the legislation. Take care of the Native Americans, and take care of the African Americans who will benefit from these jobs.

I urge my colleagues to support the legislation.

Mr. KING of Iowa. Mr. Speaker, I'd be happy to yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

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

Mr. DENT. Mr. Speaker, I rise today in opposition to this legislation, H.R.

2176, which consolidates two bills that promote off-reservation tribal gambling.

Why is a guy from Pennsylvania talking about this issue today? Well, this bill sends a signal that reservation shopping, under the Indian Gaming Regulatory Act, IGRA, is okay. Well, it's not okay, and it is out of control.

The bill before us today would create Indian governmental entities, tribal casinos, on lands that are more than 300 miles from the homelands of these tribes. Creating a far-flung string of casinos on lands with no connection to the tribe's heritage was not the intent of IGRA.

Establishing these off-reservation casinos has absolutely nothing to do with the preservation of Indian culture. It is about money, pure and simple. Twenty years ago, before IGRA, there were no tribal casinos in this country. Now there are more than 400, and tribal gambling is currently a $19 billion a year business.

That is precisely the reason why I introduced H.R. 2562, the Limitation of Tribal Gambling to Existing Tribal Lands Act of 2007, which would preclude new casino development on lands that are taken into trust as part of a settlement of a land claim. That bill was inspired by efforts of a tribe, located more than 900 miles from Pennsylvania, to force homeowners and business owners in my district off their properties, just so yet another tribal casino could be built, all based on a 1737 land conveyance, all designed to displace 25 homeowners, a crayon factory—Crayola crayon, we all know the product—and many other businesses.

And, with respect to the Abramoff comments that I have heard, I'll be the first to acknowledge that, as to Mr. Abramoff's actions, he did take advantage of the tribes, but it was the tribal gambling issue that was the source of the corruption.

And I think the proper vote is a ''no'' vote on this legislation.

Again, for those of us who have had to deal with these off-reservation shopping issues, it's very painful for the homeowners, as much as when the Supreme Court went along. Defeat the bill.

Mr. RAHALL. May I have the time that is left?

The SPEAKER pro tempore. The gentleman from West Virginia has 7 minutes remaining. The gentleman from Alaska has 13. The gentleman from Michigan has 1½ minutes, and the gentleman from Iowa has 5½ minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 4 minutes to a dear colleague of ours from Michigan as well, to a gentleman who has been very tenacious for many, many years in seeing this bill to its fruition, the gentleman from Michigan (Mr. STUPAK).

□ 1500

Mr. STUPAK. I thank the gentleman for yielding.

Much has been said about this legislation, my legislation. I want to thank Chairman RAHALL and Mr. YOUNG for their leadership in helping me correct a grave injustice, not just for the Native Americans, but also for the non-Native Americans, my constituents.

I encourage my colleagues to support this bill, H.R. 2176, which is a commonsense fix of a very serious matter. The bill would provide for the settlement of certain land claims of the Bay Mills Indian Community and of the Sault Ste. Marie Tribe in Michigan.

I have been working on this problem for over 10 years, and I first introduced legislation in 1999 in an effort to resolve this issue. I became involved in this land claim dispute at the request of the property owners at Charlotte Beach, not of the Native American tribes. Tribal claims to the land have created a cloud on their title, owned by my constituents in Charlotte Beach.

As a result, local assessors have reduced the property values of the Charlotte Beach land owners by 90 percent because of the valid clouded title created by the Indian land claim dispute.

The tribes' claim to the land in question dates back to 1855, when the U.S. Government signed the Treaty of Detroit, deeding the land to the tribes. However, the land was later sold to non-native land speculators without the Native Americans' consent, eventually resulting in an eviction of the tribal members.

In order to finally resolve this land claim dispute, a settlement agreement was reached in 2002 between former Governor John Engler and the tribes. The settlement agreement has been reaffirmed by Michigan's current Governor, Governor Jennifer Granholm.

After years of extensive negotiations between the parties, this bill represents a straightforward solution to this localized problem in my district.

In order to implement this agreement, Congress must approve the negotiated land settlement. Unfortunately, incumbent casino gaming interests are opposed to this commonsense solution, and they have circulated misleading information in an attempt to derail this legislation. So let me take the opportunity to set the record straight on my legislation.

First, this bill has nothing to do with ''off-reservation gaming acquisitions.'' It is a land claim settlement. Off-reservation gaming occurs when a tribe purchases private land and petitions the Secretary of Interior to place the land into trust for gaming purposes. This legislation ratifies a land claim settlement negotiated by the State of Michigan. This was done under the authority granted in IGRA's land claim exception clause.

Second. In regards to the argument against the location of these lands, the selected lands were chosen by Governor John Engler in consultation with local communities, not with the tribes. The sites were selected for economic development. Local support had been expressed through a local referendum and through unanimous resolutions by the cities and counties, and it has an existing gaming market on the Canadian side of the border where U.S. dollars are being spent.

Our legislation follows, rather than sets, congressional precedent for settling land claim disputes. Congress has passed over a dozen settlement acts on which replacement lands are eligible for gaming, including two that specifically state that the land is eligible for gaming, most recently that of the Torres Martinez Tribe of California and that of the Timbisha Shoshone Tribe, in 2000.

Our legislation does not violate the wishes of Michigan voters. Opponents have attempted to confuse Members about the wishes of Michigan voters on this issue by citing passage of the 2004 referendum, which seeks to limit the expansion of private gaming in our State. The actual wording of the referendum states, ''A voter approval requirement does not apply to Indian tribal gaming.''

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

Mr. RAHALL. Mr. Speaker, I yield the gentleman 15 seconds.

Mr. YOUNG of Alaska. Mr. Speaker, I will yield the gentleman 15 seconds, too.

The SPEAKER pro tempore. The gentleman from Alaska also recognizes the gentleman from Michigan for 15 seconds, so the gentleman from Michigan is now recognized for a total of 30 seconds, of which none have been yet exhausted.

Mr. STUPAK. So the actual wording of the referendum states, ''A voter approval requirement does not apply to Indiana tribal gaming.''

By passing H.R. 2176, Congress will bring about a final resolution to this land claim dispute that has been going on for more than 100 years. Without congressional approval, the land exchange cannot be completed, and the residents of Charlotte Beach, my constituents, will continue to face clouded land titles and economic hardships.

I urge my colleagues on both sides of the aisle to ignore the rhetoric from those attempting to protect casinos.

Support this land claim settlement. Support H.R. 2176.

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

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I'm listening with great interest to this debate that we have here on this floor, and it's interesting the unique way that the Michigan delegation doesn't agree on this.

As I've listened to the presentation made by the gentleman, Mr. DINGELL, and to the intensity with which he speaks, certainly, I've listened to the argument, but I'll say this: The situation with this legislation is that the

land in question becomes part of the reservation, and when it becomes part of the reservation, we all know it's going to be turned into a gaming casino. So to argue that this only settles a land claim—the courts had their opportunity to settle the land claim, both the State court of Michigan and the U.S. Federal court, and that's why we're here.

The people who are pressing this claim on the floor of this Congress didn't get the resolution that they had asked for. They weren't able to prevail in court, so now they come to Congress and say, set a precedent so that we can, essentially, confer this land title on the Native Americans. When they take that title, it comes in trust. The Governor then takes the land in trust, but as soon as it goes in trust, it says that any and all claims are hereby extinguished to that land. So we're abrogating decisions made by the Federal court here and by the State court.

Mr. STUPAK. Would the gentleman yield on that point?

Mr. KING of Iowa. I would yield briefly.

Mr. STUPAK. On the Federal claim brought forth by Bay Mills, the Sault tribe was not part of that action, and the Federal court said, your cousins—the Chippewas of the Sault Ste. Marie Tribe—must be joined. Go back and get joined and come back later. In the meantime, they started negotiations in the State court. The State court said, you have a valid land claim, but we cannot give you economic damages because the 6-year statute of limitations has run. This claim should have been brought 100 years ago.

So that's the injustice we're trying to correct; they could not be given money damages because more than 6 years had lapsed. The statute of limitations had run.

Mr. KING of Iowa. Reclaiming my time, though, did not the two tribes then join together and go back to Federal court?

Mr. STUPAK. No.

Mr. KING of Iowa. I would yield to the gentleman if he could tell me why not.

Mr. STUPAK. Because they began the negotiation under IGRA, as required under section 20, to begin a negotiation with the Governor, and they had to make a settlement with the Governor, who can do it. So, instead of going back to court, they used the legislature and the Governor's office to work out a settlement to avoid further litigation.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman. I think that does add clarity to this debate. The option to go to the Governor and to the legislature and the option of the other things we've heard about was better than going back to court under those circumstances.

Mr. STUPAK. I thank the gentleman for his courtesy.

Mr. KING of Iowa. In any case, this legislation simply says that any claims now would be resolved if this legislation passes, ''any and all claims, whether based on aboriginal or recognized title, are hereby extinguished.'' That's what this legislation does.

Then it says also ''these are unique claims and shall not be considered precedent.'' We know, again, that everything that happens in this Congress sets a precedent and creates an idea and an avenue.

I'm faced with a situation that, I think, could be multiplied in its difficulty because of the actions this Congress may take today, Mr. Speaker. Perhaps I'll take that up in my closing remarks.

Mr. Speaker, at this point, I'll reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, who has the right to close?

The SPEAKER pro tempore. The gentleman from West Virginia has the right to close.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. At this time, I yield 8 minutes to the good lady of the district that's represented, not from California, not from any other area such as Nevada and California, again, that oppose this legislation. She represents this area, and we ought to listen to her as to why she is for this bill.

Mrs. MILLER of Michigan. I thank the gentleman, my distinguished colleague from Alaska, for yielding and for his complimentary remarks.

Mr. Speaker, this issue has been waiting for a congressional vote for many, many years but not for as long as our Nation's history of sometimes mistreating Native Americans.

This case settles a land claim from over 100 years ago, at a time when our country treated Native Americans terribly and at a time when the State of Michigan, as has been said, literally stole this land from the Indians.

Throughout the decades that followed, Native Americans sought justice. Finally, former Michigan Governor John Engler negotiated a settlement that was agreed to by everyone involved. Let me just read briefly a section from his letter.

''As Governor of Michigan, it was my duty to negotiate the land settlement agreements between the State of Michigan and Bay Mills and the Sault Tribe in 2002 . . . I am proud that every concerned party involved in this settlement supports this agreement. This is a true example of a State and the tribes promoting cooperation rather than conflict.''

This land claim settlement is unique to Michigan, and it does not impact any other congressional district other than the three congressional districts of the people who are supporting it here who have spoken today, as have been mentioned. That is myself, Mr. STUPAK, and Mr. DINGELL. I would point out that, in a time of hyper partisanship, this is a wonderful example, I believe, of bipartisanship.

I would note that much of the opposition to this bill comes from Members of Congress who already have gaming in their districts, districts like Las Vegas or like the city of Detroit, and that their opposition is not based on ideology but on, rather, their not wanting any honest competition. I reject this on its face because I believe in the free market, and I believe in free market principles.

Some have said that this is stuffing a tribal land claim down the throat of a community that doesn't welcome it. Actually, the opposite is true. This legislation is supported by every elected official who represents the city of Port Huron in any capacity and at any level of government. As has been mentioned, there is the former Governor, John Engler; the current Governor, Jennifer Granholm; both United States Senators; myself, as a Member in the U.S. House here; the State senator; the State representatives; the county commissioners, and the entire city council.

Additionally, it has the support of civic groups, of business groups like the Chamber of Commerce, of educational leaders, and of labor unions like the UAW.

For those who might be concerned about what law enforcement thinks, we have letters here of support from the county sheriff, from the county prosecutor and from all of the police chiefs. Most importantly, it has the support of the citizens of the city, as evidenced by a citywide referendum vote in support.

The opponents of this legislation have said, first of all, that they don't want any competition. Therefore, they hope this bill will die. They have said, even though their communities and their districts have economic development, they need to protect that and that the citizens—the good Americans of a community like mine—cannot have fairness or economic opportunity.

Mr. Speaker, this is un-American, and I would hope that my fair-minded colleagues would reject that out of hand.

The opponents of this have also stated several outright untruths about this bill. They say that this bill will set a precedent, and that is false. In fact, in section 3(b) of this bill, it states the following: ''The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State.''

The opponents also say that this bill will allow for off-reservation gaming. This is also false. In fact, section 2(a)(2) of the bill states the following: ''The alternative lands shall become part of the community's reservation immediately upon attaining trust status.''

In fact, this site was not reservation shopping, as Mr. STUPAK has pointed out. It was specifically chosen because it is the only community with an international border crossing where there is already casino gaming on one side and not on the U.S. side.

They have also said that this legislation violates the process under the National Environmental Policy Act, also known as NEPA. Yet the legislation makes it very, very clear that the land cannot be taken into trust until it is determined that the land complies with NEPA.

They also say that this bill would violate the will of the people of Michigan because of a referendum that was passed in 2004, which required statewide voter approval for any expansion of gaming. This is completely false. As a former Secretary of State, I know a little bit about ballot language, and this is what the ballot language actually says: ''Specify that voter approval requirement does not apply to Indian tribal gaming,'' which is exactly what this bill does.

I would offer as proof of this that, since the referendum passed in Michigan, several tribal casinos that are operated by some of the richest tribal opponents of this bill have actually opened facilities. Now, apparently, they didn't violate the will of the voters as long as they could make money. Yet they want to stop our communities, again, from fair competition. I would say please spare me the righteous indignation.

Mr. Speaker, it is no secret that my beautiful State of Michigan, that our beautiful State of Michigan, is suffering terrible, terrible economic challenges. We have the highest unemployment in the Nation. We have the lowest personal income growth in the Nation. We have the highest foreclosure rate in the Nation. We have the largest exodus of our young people. Our population is moving to other States to seek economic opportunity.

The city of Port Huron, that I represent, actually has one of the highest unemployment rates, not only in the State but in the entire Nation.

□ 1515

By the best estimates right now, it's anywhere from 14 to 16 percent. Some have said it could be even higher. And yet we try to pay our taxes. We educate our children. We always legitimately think of ourselves as patriotic Americans. We are proud, and we have never asked for a handout, and today we are only asking for Congress to ratify the compacts of our Governors so that we can help ourselves.

For those who think that a vote today against this bill will stop gaming in this community, let me just point out this photo here behind me, which is of a Canadian casino, which is about 282 yards away. Now, a good golfer, not me, but a good golfer could hit this Canadian casino. It's right across the St. Clair River, a short trip over the Blue Water Bridge, and about 80 percent of all of their revenues comes from American citizens. Mr. Speaker, I would say that those dollars should be spent in an American facility to help Americans get jobs.

This bill is all about fairness and opportunity, and I would urge my colleagues to vote ''yes''; ''yes'' for private property rights, ''yes'' for the rights of States to negotiate in good faith and for the good of their State, and ''yes'' for Americans to have fairness and opportunity to compete with our wonderful Canadian neighbors for jobs in a community where the jobs are desperately needed.

And I would just close on a note: I have heard that there is a number of family values-type groups who are opposed to this. Let me just show you an example of a recent mailing ostensibly from a group called Michigan Family Alert.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. YOUNG of Alaska. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman.

Mrs. MILLER of Michigan. This is a so-called Michigan Family Alert, and, of course, it's saying that they are opposed to these casinos, and, if you're a family values person, you had better to be opposed too. And yet from Business Week what they have said is: ''As it turns out, Gambling Watch is a tiny operation financed by MGM Mirage, one of the world's largest gaming companies, locked in a bitter dispute with two Native American Indian tribes that hope to open casinos in Michigan. The Las Vegas company inaugurated a new $800 million casino in downtown Detroit in October and is not in the mood for any competition.''

And I close on that note.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I would be pleased to yield 45 seconds to the gentleman from California (Mr. ISSA).

Mr. CONYERS. Mr. Speaker, I yield the gentleman 15 additional seconds.

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

Mr. ISSA. Mr. Speaker, I thank you all for this moment and this minute.

I represent a great many tribes in California, none of whom will be adversely affected if this casino goes in or doesn't go in. I come to the floor as a supporter of tribal and historic rights and their gaming rights. I have absolute support for Native Americans having gaming on their tribal lands. I also have absolute support for private property. As the gentlewoman from Michigan would like to have private property respected, then the State of Michigan can license a casino on that site to anyone they want, including those Indians on lands that are not in trust.

We, as Federal officers, are being asked to put land in trust for purposes of a casino which has no historic link to the tribes receiving it. We should insist that tribal land be given appropriately in Michigan as close to as possible their historic land or in areas that are for some purpose other than manipulating and distorting the intent of our laws to create a casino.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the chairman from West Virginia for yielding.

Mr. Speaker, I rise today in strong support of H.R. 2176, legislation that would ratify a longstanding tribal land claim in the State of Michigan.

The Bay Mills Indian community and the Sault Ste. Marie Tribe have worked for over a decade to achieve an agreement with the State of Michigan that would reinstate land rights that these tribes lost shortly after signing a treaty with the Federal Government in the 1850s.

In an effort to achieve justice for these tribes, who have sought to reclaim their lands for over 100 years and to protect the homes of over 100 families who currently reside on the disputed land in Charlotte Beach, the State of Michigan negotiated a land-swap settlement. That agreement would give the Bay Mills Indian community 20 acres of land in Port Huron and give the Sault Tribe up to 40 acres in Romulus or Flint. Under Federal law, the new lands provided to the tribes would be eligible for gambling casinos, just as the Charlotte Beach land would be eligible. The purpose of the land claim agreement is to give alternative land that has the same property rights as the land that was stolen from these tribes.

Mr. Speaker, two Governors from the State of Michigan and those Members of Congress whose districts are most affected have all endorsed the land-swap agreement that would give these tribes new lands in exchange for the 110 acres of land they lost in the 19th century.

There is no authentic argument against this bill. The legislation before us does not expand gaming, as some opponents have erroneously charged. This legislation simply restores justice to Native Americans in the State of Michigan and provides these Indians there an opportunity to raise badly needed revenues.

I urge adoption of the bill.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Alaska will state his parliamentary inquiry.

Mr. YOUNG of Alaska. How much time is left totally, Mr. Speaker? How much time does the Judiciary have, the majority and minority?

The SPEAKER pro tempore. The gentleman from West Virginia has ¾ of 1 minute remaining; the gentleman from Alaska has 4¼ minutes remaining; the gentleman from Michigan has 1¼ minutes remaining; and the gentleman from Iowa has 1¼ minutes remaining.

Mr. YOUNG of Alaska. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Alaska will state his parliamentary inquiry.

Mr. YOUNG of Alaska. Who has the right to close?

The SPEAKER pro tempore. The gentleman from West Virginia.

Mr. YOUNG of Alaska. Mr. Speaker, I yield the gentleman, not for closing, but I will yield him 2 minutes of my time.

The SPEAKER pro tempore. The gentleman from West Virginia now has 2¾ minutes.

Mr. RAHALL. Mr. Speaker, I plan to close with that time; so I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from West Virginia will control 2¾ minutes.

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, with my remaining time, I hope everybody recognizes again that what this is about is competition. That's all it is. In the meantime, there are two Native tribes, American Indians, that have a right under IGRA to, in fact, have these lands that they negotiated with the Governors, the State legislature, the communities, and reached a deal; yet this is the last body that has the ability and the responsibility of settling disputes on lands owned by or not owned by American Natives. Not the courts, no one else. And that's why we are here today.

It does disturb me, when I see other tribes that actually have the backing of other institutions outside the State of Michigan, the city of Detroit, that oppose their brethren from achieving the same goals they did. I'm also disturbed because we have those that are non-Native that have their title in question that will never, in fact, unless we act, have that title cleared up. And that's our responsibility in this body.

There is justice, there should be justice, for American Indians. And, by the way, I believe I am the last one on that committee that voted for the original gaming legislation for American Natives. Chairman UDALL and I passed that legislation. I believe Mr. DINGELL probably voted for it, and maybe Mr. CONYERS voted for it at that time because we thought there was an opportunity there to improve the economic base of the American Indian, and we approved correctly.

Now, those that oppose gaming, I understand that. I don't gamble. That's not my thing. But I also will tell you I don't disrespect those who do gamble. And as the gentlewoman from Michigan (Mrs. MILLER) said, I could even hit a golf ball across that river to that gaming place in Canada, and I want some of that Canadian money to come down to America instead of its going from America to Canada.

In the fairness of this bill, we should vote ''yes.'' In fairness to the American Indians, we should vote ''yes.'' This legislation should become a reality. The State of Michigan Senators support it. The Governors support it. The legislature supports it. The communities support it. The police officers support it. And only those that oppose it have another interest.

I urge a ''yes'' vote.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is an interesting debate, and some things come to mind that I don't believe have been adequately answered. I'm going to ask the question and hope that someone answers it with the time they have left rather than asking me to yield them time.

What is the claim the two tribes have on this land and the distinction between it and all the rest of the State of Michigan? I think that's a good question.

When I look at this situation, I apply it to the district that I represent. And I have represented two reservations, two tribes, and two gaming casinos for the last 11½ years. Now I have an outside tribe that has just been created within the last generation that has come in and bought land within my district in order to set up a health care clinic, and now the bait and switch takes place and it's going to be a casino instead. They get some of their problems cleared by this bill, 2176, if it passes today because, regardless of whether the bill says it's a precedent, it's a precedent. If it's not about money, it's about money, as we heard the chairman say. Where could a tribe not establish a casino if they determine to do so? Any land that they could buy for whatever purpose, whether it was a bait and switch or whatever, this opens up the door. As the gentlewoman from Las Vegas said, we could end up with casinos everywhere.

But we need to stand on some principle, and I don't see that the land is a consistent principle that can be defended in this case, Mr. Speaker. I oppose 2176. I urge that it be defeated.

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman from Las Vegas 25 seconds.

Ms. BERKLEY. I thank the gentleman for yielding.

Mr. Speaker, I just want to end this myth about competition.

How can anybody claim that the gaming casinos are afraid of competition and the free market when the tribes are playing by a different set of rules? Talk about unfair competition, the Indians don't pay taxes on their casinos, and that's why they are so successful. So I don't want to hear any nonsense about competition and fear of competition. That's a lie.

Mr. CONYERS. Mr. Speaker and members of the committee, the only reason we are here today, and I admire all of the devoted people to the cause of our Native Americans, is that these two casinos are located not 5 miles or 10 miles away but 345 miles and 348 miles away. That's why we are here. And by rationalizing that, guess what's going to happen? We are going to have the biggest casino forum shopping this country has ever known because we will have done it here listening to people explain to me about Abramoff's role and how important this is, so compelling.

So, please, vote ''no.''

□ 1530

Mr. RAHALL. Mr. Speaker, as we conclude this debate, I would like to take this opportunity to implore the other body to act upon the Lumbee and the Virginia Tribe bills that this body had sent over for its consideration last year. The magnitude of injustice that has befallen these Indian people is almost beyond comprehension.

To the matter at hand. One hundred fifty-three years ago, ladies and gentlemen, that is when these tribes were robbed of their land. The historic record shows they were swindled out of their promised land. This has been their version, their own version of the Trail of Tears. We must not continue to condone that.

We have a higher calling in this body. This is a matter about rising above the petty differences, it's about making restitution and making the tribes involved whole, making the tribes involved whole, and as well clearing title to land where the good people of Charlotte Beach reside.

So I would say to those of my colleagues with concerns over this measure, look into your souls. There, it is my hope, that you will find justice to this cause, to this land claim settlement. The pending legislation, I might add, is supported by the United Auto Workers, the International Union of Operating Engineers, and the International Union of Machinists.

As I conclude, let me say again that it is time we move on so that we can address other issues of importance to Indian country, such as the Indian Health Care Improvement Act, reported out of the Committee on Natural Resources; self-governance issues; other land and economic development issues, such as with the Catawba in South Carolina.

There are many other Indian tribes in Indian country around our country that have many injustices yet to be addressed by the Congress of the United States. We have to look into our souls and decide that it is time to move above these petty differences, to realize that it is incumbent upon us in the Congress to address these issues when others will not.

So I implore my colleagues to support the pending legislation as well as ending many other injustices to our first Americans, our native Indians.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1298, the previous question is ordered on the bill, as amended.

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

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

MOTION TO RECOMMIT OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HENSARLING. Yes, Mr. Speaker, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hensarling of Texas moves to recommit the bill H.R. 2176 to the Committee on Natural Resources, with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, insert the following:

TITLE III—REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES

SEC. 301. REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is repealed.

Mr. RAHALL. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentleman from West Virginia reserves a point of order.

The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Thank you, Mr. Speaker.

As I listened very carefully to this debate, it is clear that the majority of the speakers feel very passionately that this is a debate about economic development for the region, a distressed region of Michigan. It's about economic development for a Native American tribe. Someone would have to be totally out of touch with their constituency not to realize that the number-one challenge to the economic well-being of our citizens is the high cost of energy.

So, Mr. Speaker, this motion to recommit is very simple. It removes a provision in last year's ''non-energy'' energy bill that would prevent the government from using its purchasing power to spur the growth of American energy resources, such as coal-to-liquids technology, oil shale, and tar sands.

This is especially important since we know that right north of the border, right north of Michigan, that our neighbor to the north, Canada, is rich in these resources. Particularly, so much of their energy and many of their exports come from tar sands.

The real estate that we are talking about in question could be greatly impacted should the section 526 not be repealed. Because as most people know who have studied the issue, Mr. Speaker, the United States Air Force wishes to enter into long-term contracts in order to help develop these promising new alternative energy alternatives. Yet in the Democrat ''non-energy'' energy bill, they would be effectively prevented from doing so. That will clearly have an adverse impact upon the economic growth, the economic well-being of the Native American tribe in question, not to mention the real estate in question as well.

So, again, Mr. Speaker, when we look at energy, energy now has become a health care issue. It has become an education issue. It is certainly a Native American issue. It is an economic growth issue as well. What has happened is we have seen that the Democrat majority simply wants to bring us bills that somehow believe that if we beg OPEC, we can bring down the price of energy at the pump. Maybe if we sue OPEC, we can bring down the price of energy at the pump. Maybe if we somehow berate oil companies, that will cause prices to go down at the pump. Maybe we should tax them. Well, they will take those taxes and put it right back in their price.

But what the Democrat majority hasn't decided to do is to produce American energy in America and bring down the cost of energy that way. Not only have they decided not to do it, Mr. Speaker, they are moving in the complete opposite direction with this section 526, which prevents the Federal Government from contracting in order to spur the growth of these promising alternative fuel sources, like coal-to-liquid technology, like oil shale, like tar sands. They are moving in the complete opposite direction.

Mr. Speaker, not unlike probably yourself and many of my other colleagues on the floor on both sides of the aisle, we hear from our constituents. I have heard from a constituent that says the high cost of energy now is preventing them from having three meals a day. The high cost of energy has caused them to have their adult children to have to move back in with them. Yet our Democrat majority will not bring a bill to the floor that actually produces American energy.

What Republicans want to do on this side of the aisle is, number one, continue to develop our renewable energy resources. Mr. Speaker, before coming to Congress I was an officer in a green energy company. Those technologies are promising. But, Mr. Speaker, until they are technologically and economically viable will be years to come. In the meantime, people have to take their children to school every day. People have to go to work every day. Many have to go and see their physicians.

And so we need to bring down the cost of this energy now. We know that we haven't built a refinery in America in almost 30 years. Our capacity is down. We are having to import not just crude but we are having to import refined gasoline as well. Yet, the Democrat majority does nothing, does nothing to help build more refineries.

We need diversification. We need nuclear energy. We sit here and talk to the American people about the threat of global warming, yet we know nuclear energy has no greenhouse emissions whatsoever.

It's imperative that we pass this motion to recommit and get more American energy today.

POINT OF ORDER

Mr. RAHALL. Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. RAHALL. Mr. Speaker, certainly after listening to the gentleman's diatribe, or whatever it was he was talking about, it's certainly not related to the pending legislation. Never once did I hear the word ''Indian.'' It's a further example of the petty politics the minority is trying to play with the serious problems confronting the American people.

I insist on my point of order, and I raise a point of order that the motion to recommit contains nongermane instructions, in violation of clause 7 of rule XVI. The instructions in the motion to recommit address an unrelated matter to the pending legislation.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mr. HENSARLING. Mr. Speaker, I wish to be heard.

Again, Mr. Speaker, I don't know how, when you can have speaker after speaker come to the floor and say essentially this is a bill having to do with the economic well-being of a distressed area of Michigan, the economic well-being of a Native American tribe, and not believe that somehow the cost of energy factors into the economic well-being.

We are talking also about a piece of real estate. We are talking about the value of underlying minerals in this piece of real estate that will be greatly impacted on whether or not this section 526 is repealed or not.

I would just simply ask the Speaker, when is it germane to bring a motion to produce American energy in America and bring down the high cost of energy for the American people? If not now, when, Mr. Speaker? When will the Democrat majority allow these motions to be voted on?

The SPEAKER pro tempore. The Chair is prepared to rule.

The bill, as amended, addresses settling certain land claims of two tribal communities in the State of Michigan. The instructions in the motion to recommit address an entirely different subject matter; namely, alternative fuel procurement. Accordingly, the instructions are not germane. The point of order is sustained. The motion is not in order.

Mr. HENSARLING. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

Mr. HENSARLING. Mr. Speaker, I object to the vote on the grounds that

a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on the passage of the bill if no further proceedings in recommittal intervene.

The vote was taken by electronic device, and there were—yeas 226, nays 189, not voting 19, as follows:

[Roll No. 457]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu

NAYS—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Cannon
Cantor
Cubin
Cummings
Delahunt
Fossella
Gohmert
Lampson
Mahoney (FL)
McCotter
Peterson (PA)
Putnam
Rush
Salazar
Snyder
Speier
Sullivan
Sutton
Yarmuth

□ 1605

Mrs. CAPITO and Mr. BURTON of Indiana changed their vote from ''yea'' to ''nay.''

Messrs. CROWLEY, UDALL of New Mexico, ABERCROMBIE, LYNCH, and ROTHMAN changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. JONES of Ohio). The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 121, nays 298, not voting 15, as follows:

[Roll No. 458]

YEAS—121

Abercrombie
Allen
Andrews
Arcuri
Baldwin
Barrow
Barton (TX)
Bean
Berman
Berry
Bilbray
Bishop (UT)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carney
Castor
Clay
Clyburn
Cole (OK)
Cramer
Davis, Tom
DeGette
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doyle
Ellsworth
Engel
English (PA)
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Gene
Grijalva
Hall (TX)
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hirono
Hodes
Holden
Holt
Inslee
Jackson (IL)
Kagen
Kanjorski
Kennedy
Kildee
Kind
King (NY)
Kuhl (NY)
LaTourette
Levin
Lipinski
Loebsack
Lowey
Lungren, Daniel E.
Lynch
Maloney (NY)
Matsui
McCrery
McHugh
McKeon
McNulty
Melancon
Michaud
Miller (MI)
Miller, George
Mollohan
Moore (KS)
Murphy (CT)
Murphy, Patrick
Olver
Ortiz
Pallone
Pastor
Paul
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rohrabacher
Ross
Rothman
Schakowsky
Serrano
Sires
Smith (WA)
Solis
Space
Stupak
Tanner
Tierney
Towns
Udall (CO)
Velázquez
Walsh (NY)
Wasserman Schultz
Watson
Welch (VT)
Wilson (OH)
Wu
Young (AK)

NAYS—298

Ackerman
Aderholt
Akin
Alexander
Altmire
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Becerra
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Carnahan
Carson
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Cleaver
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeLauro
Dent
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Gutierrez
Hall (NY)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Honda
Hooley
Hoyer
Hulshof
Hunter

Inglis (SC)	Miller (FL)	Scott (VA)
Israel	Miller (NC)	Sensenbrenner
Issa	Miller, Gary	Sessions
Jackson-Lee (TX)	Mitchell	Sestak
Jefferson	Moore (WI)	Shadegg
Johnson (GA)	Moran (KS)	Shays
Johnson (IL)	Moran (VA)	Shea-Porter
Johnson, E. B.	Murphy, Tim	Sherman
Johnson, Sam	Murtha	Shimkus
Jones (NC)	Musgrave	Shuler
Jones (OH)	Myrick	Shuster
Jordan	Nadler	Simpson
Kaptur	Napolitano	Skelton
Keller	Neal (MA)	Slaughter
Kilpatrick	Neugebauer	Smith (NE)
King (IA)	Nunes	Smith (NJ)
Kingston	Oberstar	Smith (TX)
Kirk	Obey	Souder
Klein (FL)	Pascrell	Spratt
Kline (MN)	Payne	Stark
Knollenberg	Pearce	Stearns
Kucinich	Pence	Sullivan
LaHood	Perlmutter	Tancredo
Lamborn	Peterson (MN)	Tauscher
Langevin	Petri	Taylor
Larsen (WA)	Pickering	Terry
Larson (CT)	Pitts	Thompson (CA)
Latham	Platts	Thompson (MS)
Latta	Poe	Thornberry
Lee	Porter	Tiahrt
Lewis (CA)	Price (GA)	Tiberi
Lewis (GA)	Pryce (OH)	Tsongas
Lewis (KY)	Radanovich	Turner
Linder	Ramstad	Udall (NM)
LoBiondo	Regula	Upton
Lofgren, Zoe	Rehberg	Van Hollen
Lucas	Richardson	Visclosky
Mack	Rogers (AL)	Walberg
Manzullo	Rogers (KY)	Walden (OR)
Marchant	Rogers (MI)	Walz (MN)
Markey	Roskam	Wamp
Marshall	Roybal-Allard	Waters
Matheson	Royce	Watt
McCarthy (CA)	Ruppersberger	Waxman
McCarthy (NY)	Ryan (OH)	Weiner
McCaul (TX)	Ryan (WI)	Weldon (FL)
McCollum (MN)	Salazar	Weller
McDermott	Sali	Westmoreland
McGovern	Sánchez, Linda T.	Wexler
McHenry	Sanchez, Loretta	Whitfield (KY)
McIntyre	Sarbanes	Wilson (NM)
McMorris Rodgers	Saxton	Wilson (SC)
McNerney	Scalise	Wittman (VA)
Meek (FL)	Schiff	Wolf
Meeks (NY)	Schmidt	Woolsey
Mica	Schwartz	Yarmuth
	Scott (GA)	Young (FL)

NOT VOTING—15

Cannon	Lampson	Ros-Lehtinen
Cubin	Mahoney (FL)	Rush
Cummings	McCotter	Snyder
Delahunt	Peterson (PA)	Speier
Fossella	Putnam	Sutton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1614

Ms. GINNY BROWN-WAITE of Florida and Mr. PAYNE changed their vote from ''yea'' to ''nay.''

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

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1615

ADA AMENDMENTS ACT OF 2008

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to H. Res. 1299, I call up the bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3195

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 ''ADA Restoration Act of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act ''establish a clear and comprehensive prohibition of discrimination on the basis of disability,'' and provide broad coverage and vigorous and effective remedies without unnecessary and obstructive defenses;

(2) decisions and opinions of the Supreme Court have unduly narrowed the broad scope of protection afforded in the ADA, eliminating protection for a broad range of individuals who Congress intended to protect;

(3) in enacting the ADA, Congress recognized that physical and mental impairments are natural parts of the human experience that in no way diminish a person's right to fully participate in all aspects of society, but Congress also recognized that people with physical or mental impairments having the talent, skills, abilities, and desire to participate in society are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(4) Congress modeled the ADA definition of disability on that of section 504 of the Rehabilitation Act of 1973, which, through the time of the ADA's enactment, had been construed broadly to encompass both actual and perceived limitations, and limitations imposed by society;

(5) the broad conception of the definition had been underscored by the Supreme Court's statement in its decision in School Board of Nassau County v. Arline, 480 U.S. 273, 284 (1987), that the section 504 definition ''acknowledged that society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairment'';

(6) in adopting the section 504 concept of disability in the ADA, Congress understood that adverse action based on a person's physical or mental impairment is often unrelated to the limitations caused by the impairment itself;

(7) instead of following congressional expectations that disability would be interpreted broadly in the ADA, the Supreme Court has ruled, in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184, 197 (2002), that the elements of the definition ''need to be interpreted strictly to create a demanding standard for qualifying as disabled,'' and, consistent with that view, has narrowed the application of the definition in various ways; and

(8) contrary to explicit congressional intent expressed in the ADA committee reports, the Supreme Court has eliminated from the Act's coverage individuals who have mitigated the effects of their impairments through the use of such measures as medication and assistive devices.

(b) PURPOSE.—The purposes of this Act are—

(1) to effect the ADA's objectives of providing ''a clear and comprehensive national mandate for the elimination of discrimination'' and ''clear, strong, consistent, enforceable standards addressing discrimination'' by restoring the broad scope of protection available under the ADA;

(2) to respond to certain decisions of the Supreme Court, including Sutton v. United Airlines, Inc., 527 U.S. 471 (1999), Murphy v. United Parcel Service, Inc., 527 U.S. 516 (1999), Albertson's, Inc. v. Kirkingburg, 527 U.S. 555 (1999), and Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that have narrowed the class of people who can invoke the protection from discrimination the ADA provides; and

(3) to reinstate original congressional intent regarding the definition of disability by clarifying that ADA protection is available for all individuals who are subjected to adverse treatment based on actual or perceived impairment, or record of impairment, or are adversely affected by prejudiced attitudes, such as myths, fears, ignorance, or stereotypes concerning disability or particular disabilities, or by the failure to remove societal and institutional barriers, including communication, transportation, and architectural barriers, and the failure to provide reasonable modifications to policies, practices, and procedures, reasonable accommodations, and auxiliary aids and services.

SEC. 3. CODIFIED FINDINGS.

Section 2(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) physical or mental disabilities are natural parts of the human experience that in no way diminish a person's right to fully participate in all aspects of society, yet people with physical or mental disabilities having the talent, skills, abilities, and desires to participate in society frequently are precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;''.

(2) by amending paragraph (7) to read as follows:

''(7) individuals with disabilities have been subject to a history of purposeful unequal treatment, have had restrictions and limitations imposed upon them because of their disabilities, and have been relegated to positions of political powerlessness in society; classifications and selection criteria that exclude persons with disabilities should be strongly disfavored, subjected to skeptical and meticulous examination, and permitted only for highly compelling reasons, and never on the basis of prejudice, ignorance, myths, irrational fears, or stereotypes about disability;''.

SEC. 4. DISABILITY DEFINED.

Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) DISABILITY.—

''(A) IN GENERAL.—The term 'disability' means, with respect to an individual—

''(i) a physical or mental impairment;

''(ii) a record of a physical or mental impairment; or

''(iii) being regarded as having a physical or mental impairment.

''(B) RULE OF CONSTRUCTION.—

''(i) The determination of whether an individual has a physical or mental impairment shall be made without considering the impact of any mitigating measures the individual may or may not be using or whether or not any manifestations of an impairment are episodic, in remission, or latent.

''(ii) The term 'mitigating measures' means any treatment, medication, device, or other measure used to eliminate, mitigate, or compensate for the effect of an impairment, and includes prescription and other medications, personal aids and devices (including assistive technology devices and services), reasonable accommodations, or auxiliary aids and services.