

have on disadvantaged business enterprises' ability to successfully bid on Federal contracts. This analysis will help us monitor whether H.R. 3534 has any unintended consequences in this regard.

I thank Chairman SMITH for his willingness to work with us to reach a mutually agreeable result. I also commend the bill's sponsor, Representative RICHARD HANNA, as well as Representative JARED POLIS, the lead Democratic cosponsor, for their leadership on this important matter.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. MULVANEY) who is an original cosponsor of this legislation.

Mr. MULVANEY. I thank the gentleman from Texas.

This is not, Mr. Speaker, the most glamorous thing we're going to do in this 112th Congress. If you stop to think about it, there are not that many people who are aware of, let alone care about, what kind of security is offered on surety bonds.

I can assure you, it is important to some people. It really is. If you are the person who is entering into that contract, who is counting on somebody doing that work, the quality of that security in that surety bond is of the utmost importance to you. And as you heard the gentleman from New York (Mr. HANNA) mention, in certain cases, it could be a matter of life or death for your business. So I am proud to be the sponsor of this bill.

But that is not why I rise today, Mr. Speaker. I rise today to bring to light the fact that we are actually doing something on a bipartisan basis to help the country. We get a lot of criticism back home—I know we both do, the Republicans and the Democrats—for not being able to come together to fix things. And, yes, we do struggle, perhaps, to fix the big things, and maybe rightly so. We are unlikely to solve the issue of taxes versus spending here today, but it's nice to know that we're still able to get together from time to time on the small things.

Face it. It used to be, before this bill, that you could take marketable coal as collateral on a surety bond. That's outrageous. With this bill, we'll fix those types of things and actually make it safer to do business on a government contract. Again, is it the big things that stand between our country and its current lack of prosperity? Absolutely not. But it does make business better in the United States of America.

That's why I congratulate the gentleman from Texas (Mr. SMITH) and the ranking member, Mr. CONYERS. I also thank the gentleman from Missouri (Mr. GRAVES) and gentlelady from New York (Ms. VELÁZQUEZ) from the Small Business Committee who also took a look at this bill and also passed it on a bipartisan basis.

So with that, Mr. Speaker, I thank the gentleman. I thank my colleagues

from across the aisle for actually coming together today to try to do something to help the Nation advance. And with that, I encourage everyone to support this bill.

Mr. PIERLUISI. Mr. Speaker, I have no further requests for time, so I will yield back the balance of my time.

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

Mr. SMITH of Texas. Mr. Speaker, today the House continues its effort to restore the financial security of our country with consideration of H.R. 3534, the Security in Bonding Act of 2011. I thank Mr. HANNA for his sponsorship of this bill and Mr. GOWDY and Mr. POLIS, both members of the Judiciary Committee, for their support as well.

This bill protects the federal government from financial loss as it improves the effectiveness of surety bonds contractors must post when they perform construction projects for the United States.

Also, this bill protects small business subcontractors and enhances the financial security of the United States.

The bill amends federal acquisition law to require individual sureties to post only low-risk collateral to back up their bonds. If the prime contractor defaults, the government and subcontractors will have recourse to real, stable, valuable assets to make them whole.

The Miller Act, enacted in 1935, requires a contractor to obtain surety bonds in favor of the government when the contractor undertakes a construction job worth more than \$150,000. These surety bonds protect not only the United States but also subcontractors whom the prime contractor hires.

Unlike in the private sector, subcontractors on federal projects have no mechanic's lien rights; surety bonds are their sole protection.

A bid bond assures the federal contracting officer that the contractor bids in good faith and will complete the job if it is the winning bidder.

Similarly, a performance bond guarantees the United States that the contractor will not walk away from the job even if, for instance, the contractor found a more lucrative opportunity elsewhere.

The Federal Acquisition Regulation (FAR) currently allows a contractor to obtain a surety bond through a corporate surety or an individual surety. Alternatively, a contractor may deposit low-risk collateral, like T-bills or other cash equivalents, with the government to cover the project cost.

Corporate surety companies are regulated by the Treasury Department, which requires the sureties to be sufficiently funded in an amount over the risk of default on the bonds they underwrite. But individual sureties are not approved by the Treasury, and they may pledge collateral whose value may fluctuate. For example, the FAR allows an individual surety to pledge stocks and bonds or real property.

The lax collateral requirements for individual sureties have seriously harmed subcontractors and the federal government.

At a hearing on this bill in the Courts, Commercial and Administrative Law Subcommittee, the President of a minority-owned construction company in Colorado, testified that they lost \$100,000 because the prime contractor's individual surety bond was backed by valueless assets.

The federal government cannot afford to be left in the lurch because an individual surety bond proved to be worthless. American taxpayers deserve a government that acts carefully and with fiscal responsibility when it spends their money on construction projects.

I urge my colleagues to support this bill.

Mr. COBLE. Mr. Speaker, I rise in support of H.R. 3534.

Surety bonds are financial instruments used to provide financial security for large construction contracts. For example, prime contractors typically post payment bonds to assure subcontractors that they will be paid for their work. Prime contractors must also obtain bid and performance bonds to guarantee the owner that the work will be performed according to contract.

The federal government regularly contracts with privately-owned businesses to complete construction projects. In doing so, the government requires contractors to obtain surety bonds. But the security provided to the government by a surety bond is only as good as the capital or assets that stand behind the bond.

There are currently three ways a contractor can satisfy the federal government's requirement for adequate assurance of performance and payment. The contractor can obtain a bond from a corporate surety approved by the Treasury Department, give the United States a possessory security interest in low-risk, liquid assets, such as T-bills, cash, or cash equivalents, or the contractor can secure a bond from an individual surety.

In recent years, there have been a number of instances in which individual surety bonds have not provided the security they purport to offer. In some cases, this was because the value of the pledged assets had decreased significantly, like when the stock market suddenly dropped or real estate values plummeted.

H.R. 3534 addresses this problem by requiring individual sureties to pledge low-risk assets. This will benefit government and subcontractors, who typically get the short end of the stick.

I am happy to report that H.R. 3534 is supported by the American Subcontractors Association and the National Association of Minority Contractors.

I urge all members to vote "yea" on final passage for H.R. 3534.

The SPEAKER pro tempore (Mr. CHAFFETZ). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3534, as amended.

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

A motion to reconsider was laid on the table.

□ 1710

CHIMNEY ROCK NATIONAL MONUMENT ESTABLISHMENT ACT

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2621) to establish the Chimney Rock National Monument in the State of Colorado, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 2621

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 "Chimney Rock National Monument Establishment Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **NATIONAL MONUMENT.**—The term "national monument" means the Chimney Rock National Monument established by section 3(a).

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

(3) **STATE.**—The term "State" means the State of Colorado.

SEC. 3. ESTABLISHMENT OF CHIMNEY ROCK NATIONAL MONUMENT.

(a) **ESTABLISHMENT.**—There is established in the State the Chimney Rock National Monument—

(1) to preserve, protect, and restore the archaeological, cultural, historic, geologic, hydrologic, natural, educational, and scenic resources of Chimney Rock and adjacent land; and

(2) to provide for public interpretation and recreation consistent with the protection of the resources described in paragraph (1).

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—The national monument shall consist of approximately 4,726 acres of land and interests in land, as generally depicted on the map entitled "Boundary Map, Chimney Rock National Monument" and dated January 5, 2010.

(2) **MINOR ADJUSTMENTS.**—The Secretary may make minor adjustments to the boundary of the national monument to reflect the inclusion of significant archeological resources discovered after the date of the enactment of this Act on adjacent National Forest System land.

(3) **AVAILABILITY OF MAP.**—The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 4. ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall—

(1) administer the national monument—

(A) in furtherance of the purposes for which the national monument was established; and

(B) in accordance with—

(i) this Act; and

(ii) any laws generally applicable to the National Forest System; and

(2) allow only such uses of the national monument that the Secretary determines would further the purposes described in section 3(a).

(b) **TRIBAL USES.**—

(1) **IN GENERAL.**—The Secretary shall administer the national monument in accordance with—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(B) the policy described in Public Law 95-341 (commonly known as the "American Indian Religious Freedom Act") (42 U.S.C. 1996).

(2) **TRADITIONAL USES.**—Subject to any terms and conditions the Secretary determines to be necessary and in accordance with applicable law, the Secretary shall allow for the continued use of the national monument by members of Indian tribes—

(A) for traditional ceremonies; and

(B) as a source of traditional plants and other materials.

(c) **VEGETATION MANAGEMENT.**—The Secretary may carry out vegetation management treatments within the national monument, except that the harvesting of timber shall only be used if the Secretary determines that the harvesting is necessary for—

(1) ecosystem restoration in furtherance of section 3(a); or

(2) the control of fire, insects, or diseases.

(d) **MOTOR VEHICLES AND MOUNTAIN BIKES.**—The use of motor vehicles and mountain bikes in the national monument shall be limited to the roads and trails identified by the Secretary as appropriate for the use of motor vehicles and mountain bikes.

(e) **GRAZING.**—The Secretary shall permit grazing within the national monument, where established before the date of the enactment of this Act—

(1) subject to all applicable laws (including regulations); and

(2) consistent with the purposes described in section 3(a).

(f) **UTILITY RIGHT-OF-WAY UPGRADES.**—Nothing in this Act precludes the Secretary from renewing or authorizing the upgrading of a utility right-of-way in existence as of the date of the enactment of this Act through the national monument—

(1) in accordance with—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) any other applicable law; and

(2) subject to such terms and conditions as the Secretary determines to be appropriate.

(g) **VOLUNTEERS.**—The Secretary shall allow for the continued access and work of volunteers at the national monument.

(h) **RESEARCH.**—Scientific research, including archeological research, educational, and interpretive uses shall be permitted within the Monument.

(i) **OTHER ADMINISTRATIVE COSTS.**—Any signs, fixtures, alterations, or additions needed in connection with the designation or advertisement of the Monument shall be paid for only with non-Federal funds or amounts made available for such purposes in prior Acts of appropriation.

(j) **DESIGNATION OF MANAGER.**—As soon as practicable after the management plan is developed under section 5(a), the Secretary shall designate an employee of the Department of Agriculture whose duties shall include acting as the point of contact for the management of the national monument.

(k) **OTHER RECREATIONAL USES.**—The Secretary shall allow continued use of the national monument for hunting, fishing, and other recreational uses authorized on the date of the enactment of this Act, except that the Secretary may implement temporary emergency closures or restrictions of the smallest practicable area to provide for public safety, resource conservation, or other purposes authorized by law.

SEC. 5. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this Act, the Secretary, in consultation with Indian tribes with a cultural or historic tie to Chimney Rock, shall develop a management plan for the national monument.

(b) **PUBLIC COMMENT.**—In developing the management plan, the Secretary shall provide an opportunity for public comment by—

(1) State and local governments;

(2) tribal governments; and

(3) any other interested organizations and individuals.

SEC. 6. LAND ACQUISITION.

The Secretary may acquire land and any interest in land within or adjacent to the boundary of the national monument by—

(1) purchase from willing sellers with donated or appropriated funds;

(2) donation; or

(3) exchange.

SEC. 7. WITHDRAWAL.

(a) **IN GENERAL.**—Subject to valid existing rights, all Federal land within the national monument (including any land or interest in land acquired after the date of the enactment of this Act) is withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) subject to subsection (b), operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) **LIMITATION.**—Notwithstanding subsection (a)(3), the Federal land is not withdrawn for the purposes of issuance of gas pipeline rights-of-way within easements in existence as of the date of the enactment of this Act.

SEC. 8. EFFECT.

(a) **WATER RIGHTS.**—

(1) **IN GENERAL.**—Nothing in this Act affects any valid water rights, including water rights held by the United States.

(2) **RESERVED WATER RIGHT.**—The designation of the national monument does not create a Federal reserved water right.

(b) **TRIBAL RIGHTS.**—Nothing in this Act affects—

(1) the rights of any Indian tribe on Indian land;

(2) any individually held trust land or Indian allotment; or

(3) any treaty rights providing for nonexclusive access to or within the national monument by members of Indian tribes for traditional and cultural purposes.

(c) **FISH AND WILDLIFE.**—Nothing in this Act affects the jurisdiction of the State with respect to the management of fish and wildlife on public land in the State.

(d) **ADJACENT USES.**—Nothing in this Act—

(1) creates a protective perimeter or buffer zone around the national monument; or

(2) affects private property outside of the boundary of the national monument.

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

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

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

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

There was no objection.

Mr. BISHOP of Utah. With that, Mr. Speaker, I would like to yield such time as he may consume to the sponsor of this bill, the gentleman from Colorado (Mr. TIPTON), who has done such great work to move this potential issue forward.

Mr. TIPTON. I thank the gentleman for yielding.

Mr. Speaker, this past weekend I had the opportunity to be in a truly remarkable part of the United States in southwestern Colorado, an area called Chimney Rock, which is an area renowned for its cultural heritage and its important archeological traits.

Chimney Rock is considered by the historic preservation community and the archeological community to be one of the most significant archeological sites in the western United States. Centuries ago, hundreds of early Native Americans called the area home. Archeologists have uncovered ancient farming areas, homes, and other structures, indicating that this was a major cultural center for these early Americans. The ancestors of modern Pueblo

Indians made a journey to this northernmost outpost of the Chacoan civilization to witness a rare lunar occurrence that they held to be sacred. Chimney Rock is only one of three sites like this in the entire world.

Despite the scarcity of this gem, the Chimney Rock site of the San Juan National Forest has yet to receive a designation worthy of its historical and cultural significance. The area is currently under the management of the U.S. Forest Service and is covered under the USFS Organic Act, which has no provision to be able to address preservation and the management of such a historic and culturally significant area as Chimney Rock.

H.R. 2621, the Chimney Rock National Monument Establishment Act, requires no additional Federal funds, and therefore no increase in spending. It ensures continued access to the area so that local ranchers will be able to utilize the lands that they depend on for grazing, for outdoorsmen to be able to continue to take advantage of the game opportunities in the area, and for members of the Indian tribes to be able to continue the use of Chimney Rock for traditional ceremonies. The bill also allows for continued archeological research and exploration in the area.

In addition to preserving and protecting the site's historical and cultural treasures, the national monument designation will give Chimney Rock the prestige and protection it deserves and elevate it to a status that will increase its exposure to the region and enable it to generate tourism, creating a potential economic boost for the surrounding communities and generating jobs. Without any new spending, making Chimney Rock a national monument will create a win-win situation for this remarkable place, for the local communities, the State of Colorado, Native Indian tribes, and future generations of American.

Mr. Speaker, it's my pleasure to be able to sponsor H.R. 2621.

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

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

Mr. HEINRICH. I want to applaud the majority for bringing this strong conservation legislation to the House floor today to designate a national monument in Congressman TIPTON's district. There are a number of bills like Congressman TIPTON's waiting for action that would either designate a new national monument or provide designation of a new wilderness area. This includes a bill that I have sponsored to include new areas in the existing Manzano Mountains Wilderness.

Congratulations to Congressman TIPTON for his success in advancing local conservation efforts. I hope that this is the beginning of consideration of similar bills pending before the committee so that we can advance our conservation goals across the Nation.

I yield back the balance of my time.

Mr. BISHOP of Utah. In closing, may I just say that I want to commend the gentleman from Colorado (Mr. TIPTON) for taking the time and the effort to put forth a well thought-out and locally supported piece of legislation that designates an area of special significance in the district that he happens to represent. This legislation is an example of the way this type of designation should be done, as opposed to by administrative fiat under things like the Antiquities Act.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 2621, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

AMENDMENT TO THE MESQUITE LANDS ACT OF 1986

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2745) to amend the Mesquite Lands Act of 1986 to facilitate implementation of a multispecies habitat conservation plan for the Virgin River in Clark County, Nevada, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2745

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

SECTION 1. AMENDMENT TO THE MESQUITE LANDS ACT OF 1986.

Section 3 of Public Law 99-548 (commonly known as the "Mesquite Lands Act of 1986") is amended—

(1) in subsection (d)(3)(B), by inserting "and implementation" after "development";

(2) in subsection (e)—

(A) in paragraph (1)(A), by striking "For a period of 12 years after the date of the enactment of this Act," and inserting "Until November 29, 2020,";

(B) in paragraph (3), by striking "Not later than 10 years after the date of the enactment of this subsection," and inserting "Not later than November 29, 2019,";

(C) in paragraph (5), by striking "the date that is 12 years after the date of the enactment of this subsection," and inserting "the date specified in paragraph (1)(A),"; and

(D) in paragraph (6), by striking "of each parcel" and all that follows through the period and inserting "of each parcel under this subsection shall be deposited into the General Treasury,"; and

(3) in subsection (f)—

(A) in paragraph (1), by striking "Not later than 1 year after the date of the enactment of this subsection, the" and inserting "The";

(B) in paragraph (2), by inserting after subparagraph (C) the following:

"(D) The approximately 218 acres of land depicted as 'Hiatus' on the map titled 'Mesquite Airport Conveyance' and dated January 13, 2012,";

(C) in paragraph (3), by striking "until the date that is 12 years after the date of the enactment of this subsection," and inserting "until November 29, 2020,";

(D) by amending paragraph (4) to read as follows:

"(4) REVERTER.—If the land conveyed pursuant to paragraph (1) is not used by the city as an airport or for another public purpose, it shall revert to the United States, at the option of the Secretary, except that the city shall have an exclusive right to purchase such land,"; and

(E) by redesignating paragraph (5) as paragraph (7) and by inserting after paragraph (4) the following:

"(5) RIGHT TO PURCHASE LAND.—Until November 29, 2020, the City of Mesquite, Nevada, subject to all appropriate environmental reviews, including compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et. seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et. seq.), shall have the exclusive right to purchase the parcels of public land described in paragraph (2) that the Secretary did not convey to the city pursuant to paragraph (1).

"(6) PROCEEDS OF SALE.—The proceeds of the sale of each parcel under this subsection shall be deposited into the General Treasury."

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

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

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

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

There was no objection.

Mr. BISHOP of Utah. With that, Mr. Speaker, since this is a significant bill that makes a change that has been long overdue, I yield such time as he may consume to the sponsor of this bill, the gentleman from Nevada (Mr. HECK).

Mr. HECK. I rise in support of H.R. 2745, legislation amending the Mesquite Lands Act of 1986. The original Mesquite Lands Act provided the city of Mesquite, Nevada, the exclusive right to purchase, at fair market value, certain Federal land under the control of the Bureau of Land Management. As the city is landlocked by public lands and was the fastest growing city in the country for much of the 1990s, this legislation was amended in 1996 to allow the city to purchase additional Federal lands to ensure the city of Mesquite could continue to grow and prosper. In 1999, Congress passed the latest Mesquite Lands Act amendment with the specific purpose of providing land to construct a commercial airport and to provide more room for commercial and