

# EAST BENCH IRRIGATION DISTRICT WATER CONTRACT EXTENSION ACT

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

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 997

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

## SECTION 1. SHORT TITLE.

This Act may be cited as the “East Bench Irrigation District Water Contract Extension Act”.

## SEC. 2. AUTHORITY TO EXTEND WATER CONTRACT.

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

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

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

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

The Chair recognizes the gentleman from Washington.

□ 1620

### GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

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

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

For dry land farmers and ranchers, water is our most precious resource. We have a lot of land—plenty of dirt between light bulbs—and

our productivity is only constrained by our access to water. In Montana where we rely on water for drinking, irrigation, and energy.

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

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

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

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

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

A motion to reconsider was laid on the table.

□ 1630

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

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

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 683

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Resolved,*

#### SECTION 1. ACKNOWLEDGEMENT.

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

#### SEC. 2. DISCLAIMER.

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

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

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

□ 1640

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

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

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

But this was only the beginning.

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

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

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

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

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

Families were split apart permanently without the ability to natu-

ralize as citizens and to vote. The community was disenfranchised. Because immigration had been so severely restricted, few women could come, and the ratio of males to females was as high as 20-1. Many Chinese American males could not have families and were forced to die completely alone. If they did try to marry, they were forced to go abroad, and families were separated.

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

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

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

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

I reserve the balance of my time.

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

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

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

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

A century and a half ago, the Chinese were used as cheap labor to do the most dangerous work—laying the tracks of our transcontinental railway and building the California delta lev-

ees. They strengthened our Nation's infrastructure only to be persecuted when their labor was seen as competition and when the dirtiest work was done.

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

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

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

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

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

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

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

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

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

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

□ 1650

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

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

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

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

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

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

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

Like their counterparts from European countries, Chinese immigrants in the 19th century came to the United

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH)

that the House suspend the rules and agree to the resolution, House Resolution 683.

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

A motion to reconsider was laid on the table.

#### COUNTERFEIT DRUG PENALTY ENHANCEMENT ACT OF 2012

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3668

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

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Counterfeit Drug Penalty Enhancement Act of 2012".

##### SEC. 2. COUNTERFEIT DRUG PENALTY ENHANCEMENT.

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

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

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

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

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

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

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

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

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

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

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

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

(3) by adding at the end the following:

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

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

##### SEC. 3. SENTENCING COMMISSION DIRECTIVE.

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

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

(1) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the serious nature of the

offenses described in subsection (a) and the need for an effective deterrent and appropriate punishment to prevent such offenses;

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

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

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

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

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

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

The Chair recognizes the gentleman from Texas.

##### GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

□ 1700

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

While current law technically includes counterfeit drugs, the law does