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

NOT VOTING-51

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

□ 1900

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

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

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

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

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

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

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

The form of the motion is as follows: Mr. Walz of Minnesota moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to resolve all issues and file a conference report not later

MINNESOTA CHIPPEWA TRIBE JUDGMENT FUND DISTRIBUTION ACT OF 2012

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

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

H.R. 1272

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

SECTION 1. SHORT TITLE.

than June 22, 2012.

This Act may be cited as the "Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2012".

SEC. 2. FINDINGS.

Congress finds the following:

- (1) On January 22, 1948, the Minnesota Chippewa Tribe, representing all Chippewa bands in Minnesota except the Red Lake Band, filed a claim before the Indian Claims Commission in Docket No. 19 for an accounting of all funds received and expended pursuant to the Act of January 14, 1889, 25 Stat. 642, and amendatory acts (hereinafter referred to as the Nelson Act).
- (2) On August 2, 1951, the Minnesota Chippewa Tribe, representing all Chippewa bands in Minnesota except the Red Lake Band, filed a number of claims before the Indian Claims Commission in Docket No. 188 for an accounting of the Government's obligation to each of the member bands of the Minnesota Chippewa Tribe under various statutes and treaties that are not covered by the Nelson Act of January 14, 1889.
- (3) On May 17, 1999, a Joint Motion for Findings in Aid of Settlement of the claims in Docket No. 19 and 188 was filed before the Court.
- (4) The terms of the settlement were approved by the Court and the final judgment was entered on May 26, 1999.
- (5) On June 22, 1999, \$20,000,000 was transferred to the Department of the Interior and deposited into a trust fund account established for the beneficiaries of the funds awarded in Docket No. 19 and 188.
- (6) Pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), Congress must act to authorize the use or distribution of the judgment funds.
- (7) On October 1, 2009, the Minnesota Chippewa Tribal Executive Committee passed Resolution 146-09, approving a plan to distribute the judgment funds and requesting that the United States Congress act to distribute the judgment funds in the manner described by the plan.

SEC. 3. DEFINITIONS.

For the purpose of this Act:

- (1) AVAILABLE FUNDS.—The term "available funds" means the funds awarded to the Minnesota Chippewa Tribe and interest earned and received on those funds, less the funds used for payments authorized under section 4.
- payments authorized under section 4.
 (2) BANDS.—The term "Bands" means the Bois Forte Band, Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lacs Band, and White Earth Band.
- (3) JUDGMENT FUNDS.—The term "judgment funds" means the funds awarded on May 26, 1999, to the Minnesota Chippewa Tribe by the Court of Federal Claims in Docket No. 19 and 188.
- (4) MINNESOTA CHIPPEWA TRIBE.—The term "Minnesota Chippewa Tribe" means the Minnesota Chippewa Tribe, Minnesota, composed of the Bois Forte Band, Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lacs Band, and White Earth Band. It does not include Red Lake Band of Chippewa Indians, Minnesota.
- (5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. LOAN REIMBURSEMENTS TO MINNESOTA CHIPPEWA TRIBE.

- (a) IN GENERAL.—The Secretary is authorized to reimburse the Minnesota Chippewa Tribe the amount of funds, plus interest earned to the date of reimbursement, that the Minnesota Chippewa Tribe contributed for payment of attorneys' fees and litigation expenses associated with the litigation of Docket No. 19 and 188 before the U.S. Court of Federal Claims and the distribution of judgment funds.
- (b) CLAIMS.—The Minnesota Chippewa Tribe's claim for reimbursement of funds expended shall be—
- (1) presented to the Secretary not later than 90 days after the date of enactment of this Act; (2) certified by the Minnesota Chippewa Tribe as being unreimbursed to the Minnesota Chippewa Tribe from other funding sources;
- (3) paid with interest calculated at the rate of 6.0 percent per annum, simple interest, from the date the funds were expended to the date the funds are reimbursed to the Minnesota Chippewa Tribe; and
- (4) paid from the judgment funds prior to the division of the funds under section 5.

SEC. 5. DIVISION OF JUDGMENT FUNDS.

- (a) MEMBERSHIP ROLLS.—Not later than 90 days after the date of the enactment of this Act, the Minnesota Chippewa Tribe shall submit to the Secretary updated membership rolls for each Band, which shall include all enrolled members the date of the enactment of this Act.
- (b) DIVISIONS.—After all funds have been reimbursed under section 4, and the membership rolls have been updated under subsection (a), the Secretary shall—
- (1) set aside for each Band a portion of the available judgment funds equivalent to \$300 for each member enrolled within each Band; and
- (2) after the funds are set aside in accordance with paragraph (1), divide 100 percent of the remaining funds into equal shares for each Band.
- (c) SEPARATE ACCOUNTS.—The Secretary shall—
- (1) deposit all funds described in subsection (b)(1) into a "Per Capita" account for each Band; and
- (2) deposit all funds described in subsection (b)(2) into an "Equal Shares" account for each Band.
- (d) WITHDRAWAL OF FUNDS.—After the Secretary deposits the available funds into the accounts described in subsection (c), a Band may withdraw all or part of the monies in its account.
- (e) DISBURSEMENT OF PER CAPITA PAY-MENTS.—All funds described in subsection (b)(1) shall be used by each Band only for the purposes of distributing one \$300 payment to each individual member of the Band. Each Band may—

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

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

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

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

SEC. 6. GENERAL PROVISIONS.

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

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

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

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

Mr. PETERSON. I thank the gentleman.

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

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

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

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

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

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

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

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

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

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

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

□ 1910

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, I urge passage of this legislation.

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

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

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

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

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. Young) that the House suspend the rules and pass the bill, H.R. 1272, as amended.

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

A motion to reconsider was laid on the table.

GILA BEND INDIAN RESERVATION LANDS REPLACEMENT CLARIFICATION ACT

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

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

H.R. 2938

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gila Bend Indian Reservation Lands Replacement Clarification Act".

SEC. 2. FINDINGS.

 $Congress\ finds\ the\ following:$

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 3. GAMING CLARIFICATION.

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

SEC. 4. NO EFFECT.

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

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

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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