

long as it is conducted pursuant to the compact.

Bringing H.R. 308 to the floor under suspension is unfair, and it only serves the interests of those who would rather not discuss the issues highlighted by these and other amendments.

Finally, let me reiterate that regardless of how you voted the last time around, this is a completely different situation. As of July 2014, the land is now in trust. It is now part of the Tohono O'odham Reservation. This casino is set to open for business next month. If this legislation was unfair before, it is now just shameful.

Mr. Speaker, there was only one promise that was made that needs to be kept; the solemn promise this government made to the Tohono O'odham Nation with the passage of the Gila Bend Act in 1986. H.R. 308 will break that promise. It will set a dangerous precedent for settled land claims and will forever be a black mark on the dealings with Indian nations.

I urge Members to oppose H.R. 308. I remind my colleagues that this piece of legislation, while tempered and promoted for interests, carries with it extensive liability, dangerous precedents, and deserves a full, regular order debate, which we are not going to have today.

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

Mr. YOUNG of Alaska. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore (Mr. WALKER). The gentleman has 6 minutes remaining.

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

This has been a good debate. Of course, I brought this bill to the floor on behalf of the mostly unanimous Arizona delegation. My role in this is that I am, in fact, the prime author of the Indian Gaming Regulatory Act itself.

I would suggest that what is being proposed here and the opposition to it, H.R. 308 does not affect land into trust and is a temporary halt. All this bill does is stop the opening of this casino, which they did, I believe, under the guise of dishonesty to the general public. Promises made, promises kept.

When the Governor and all the tribes, including the Tohono O'odham Tribe, agreed and signed a compact not to expand gambling in the State of Arizona, as they were doing so, in signing the compact, they were in preparations to buy this land, not telling anybody, not acknowledging or thinking of another casino. At least they should have had the courage and the guts not to sign the compact.

It went to the public. Promises made to the public. It would never have passed. Gambling in Arizona would not be there if they did not have this understanding there would be no expansion.

Now we have a group—and don't talk about greed, et cetera. There are people in that group who are just as greedy,

trying to take and establish a gambling place where they said they wouldn't do it. That was the compact. That was the understanding with the State. That was the State legislative body.

Then we hear on the other side we can't vote for this because it is going to take jobs away. Away from whom? Other Natives. Other American Indians.

Remember, these casinos were built on a platform, a model of how many people go in and how many people come out. That is how you make these casinos pay, and that was the understanding and the plan that all the tribes agreed to. They all signed it, and we have documentation of that.

It was voted on by the general public because the general public did not want an expansion of gambling within the State of Arizona. It passed in good faith, but the faith was not that good. It was not the spirit and intent of the Indian Gaming Act at all. It broke the compact with the State and the people of the State. That is what we have to think about.

There is a factor here that was not exposed during the conference and in negotiating with the State and with the tribes. It was not exposed yet. It was taking place, not in sincerity but, in fact, in dishonesty.

I don't like to get involved in these tribal wars, but what is being encouraged here is wrong with that compact. The promise made by the people for the people and with the people and with the tribes, and you are asking us not to stop that.

This is a good piece of legislation to make sure a dishonest act does not take place. A breaking of a promise while you are holding your hand behind your back with your fingers crossed when you have the other hand up swearing, that is what occurred.

So I am asking my colleagues to listen to the Arizona delegation and the Governor. I am asking my colleagues to think about a promise made should be kept and only the Congress will make sure it is kept.

I yield back the balance of my time.

Mr. SHERMAN. Mr. Speaker, H.R. 308, the Keep the Promise Act is a close call on the merits. However, as I have stated in the CONGRESSIONAL RECORD before (for example on September 25, 2012), when a bill is controversial and a close call on the merits, we should not be considering it under suspension of the rules. Accordingly, I cannot vote to suspend the rules.

Mr. TOM PRICE of Georgia. Mr. Speaker, today the House is scheduled to consider H.R. 308, the "Keep the Promise Act of 2015" which would prohibit gaming on property near Glendale, Arizona that is owned by the Tohono O'odham Nation and held in trust by the United States. The Tohono O'odham Nation is currently constructing a resort and casino on this property and expects to begin operations within a year.

The Congressional Budget Office expects that if this legislation were enacted, the tribe would pursue litigation against the federal gov-

ernment to recover its financial losses from foregone gaming revenue. For this reason, the Congressional Budget Office estimates that possible compensation payments from the government could range from nothing to more than \$1 billion. However, the Congressional Budget Office concludes that it has no basis for estimating the outcome of the future litigation.

Budget enforcement is among my top priorities for the 114th Congress. It is my intention to ensure compliance with the Congressional Budget Act and House Rules as they apply to budget enforcement on the floor. However, given the considerable uncertainty of the budget impact of this legislation as concluded by the Congressional Budget Office, it is my position that a definitive score for this legislation cannot be determined.

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. 308.

The question was taken.

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

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

The yeas and nays were ordered.

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

#### FAIRNESS TO VETERANS FOR INFRASTRUCTURE INVESTMENT ACT OF 2015

Mr. FITZPATRICK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1694) to amend MAP-21 to improve contracting opportunities for veteran-owned small business concerns, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1694

*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 "Fairness to Veterans for Infrastructure Investment Act of 2015".

#### SEC. 2. DISADVANTAGED BUSINESS ENTERPRISES.

Section 1101(b) of MAP-21 (23 U.S.C. 101 note) is amended—

(1) in paragraph (2) by adding at the end the following:

“(C) VETERAN-OWNED SMALL BUSINESS CONCERN.—The term ‘veteran-owned small business concern’ has the meaning given the term ‘small business concern owned and controlled by veterans’ in section 3(q) of the Small Business Act (15 U.S.C. 632(q)).”;

(2) in paragraph (3) by inserting “and veteran-owned small business concerns” before the period at the end; and

(3) in paragraph (4)(B)—

(A) in clause (ii) by striking “and” at the end;

(B) in clause (iii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iv) veterans.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. FITZPATRICK) and

the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD on H.R. 1694.

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

There was no objection.

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

Mr. Speaker, let me begin by expressing my deepest condolences to the families, friends, and loved ones of those killed in last Friday's terrorist attacks in Paris. My prayers go out to them, the French people, and all those lovers of freedom and peace who have been shaken by this very savage attack.

As Americans, we are too familiar with the specter of terrorism. Fourteen years ago, on September 11, 2001, terrorists attacked our homeland. 9/11 was a call to action for tens of thousands of men and women who enlisted and served in our Nation's Armed Forces in defense of the American ideals that we all hold so dear.

Now, each year, more than 250,000 of these post-9/11 veterans are returning home and transitioning into civilian life after service and continue to serve as leaders in our communities and in our economy. In fact, one quarter of these veterans say they are interested in starting or buying their own businesses. This is exactly, Mr. Speaker, the kind of entrepreneurial spirit that makes America work.

To support these heroic individuals and to put their unique skills and commitment to best use, the Federal Government has a role to play in empowering them to succeed in the private sector, especially in terms of Federal contracting. A number of agencies do.

For example, Mr. Speaker, the Veterans Administration has been a leader in engaging the veteran-owned small-business community within their agency, working on contracting and procurement and seeing the benefits of increased veteran involvement. In fact, this week, in my own State of Pennsylvania, the VA, in collaboration with other Federal agencies and partners, will host its fifth national veterans small-business engagement event. This event is expected to attract nearly 3,000 veteran businessowners and focus on promoting and supporting veteran-owned small businesses' access to economic opportunities. VA Secretary Robert McDonald said the event highlights the agency's "commitment by offering veteran businessowners the tools they need to thrive in the Federal marketplace. We want to do all that we can to help our veterans be successful," he said.

However, while these veteran businessowners will be making valuable inroads into working within the Federal contracting and procurement programs, they won't be talking about rebuilding our Nation's infrastructure through competing for Federal contracts.

That is because even with the immense amount of work facing the Department of Transportation, its small-business contracting program doesn't put veteran small businesses on a level playing field when competing for contracts. That is a real problem, not only for missed opportunities for veteran-owned businesses but missed opportunities to put veteran-owned firms on the front lines of our battle to rebuild our infrastructure.

While I am a supporter of having a completely level playing field throughout Federal contracting for every small business, the fact is that today, some get a preference when doing business with the Federal Government where veterans do not. While 10 percent of federally funded infrastructure projects are set aside for small businesses, our veterans are excluded from competing equally. That is not fair, and that is why I rise today to offer bipartisan legislation to address it.

My bipartisan Fairness to Veterans for Infrastructure Investment Act is a simple, yet powerful update to current law. It would allow veteran-owned small businesses to compete in an existing infrastructure small-business program known as the Disadvantaged Business Enterprise Program or DBE. This simple legislation is critical to both the shared goal of creating and sustaining jobs for our veterans and rebuilding our Nation's infrastructure.

This bill is an idea that my constituents in Bucks County, Pennsylvania, know as fairness to veterans and they support it.

□ 1545

When I visit veteran-owned small businesses across my district which have received their veteran-owned small-business certification, it is easy to see its impact on their outlook. Connecting veteran-owned businesses to the contracting power of the Federal Government opens the door for increased production, the hiring of additional staff—oftentimes veterans themselves—and opens doors to national opportunities.

But it is not just Pennsylvania veterans who would benefit from this measure. Fairness to Veterans would level the playing field for more than 380,000 veteran-owned construction firms across the Nation. And it is not just construction firms that will benefit. There are, in fact, a variety of industries involved, such as personnel, administrative, engineering, landscaping, utilities, and information technology. So this is an issue that affects all veteran-owned small businesses.

With this obviously positive impact, it is easy to see why the American Le-

gion—one of the foremost organizations advocating for veterans in the workforce—backs this bill. Its 2.3 million members support providing parity for veterans in all small-business government contracting programs.

Here is what they just said in a message to all of our offices:

"The Fairness to Veterans for Infrastructure Investment Act of 2015 is a bipartisan, commonsense, and 'no cost to the taxpayer' update of existing legislation that redresses the exclusion of veteran small businesses when the framework of the DBE program was originally drafted.

"Currently, only half of the States meet their DBE goals. Adding veteran small businesses to this program would increase the pool of eligible firms at the States' disposal. For States that already meet their goals, this bill does not affect them or the small-business contractors that they employ.

"We cannot in good conscience stand idle while our veterans are precluded from this Federal program."

Members of this body from both sides of the aisle should see the positive impact that can be made by putting the most trained workforce in history on the job of rebuilding our Nation's roads and bridges. That is what the Fairness to Veterans for Infrastructure Investment Act is all about.

As a member of the Congressional Veterans Jobs Caucus and an advocate for tens of thousands of veterans in my district in the Commonwealth of Pennsylvania, I encourage my colleagues to support this bipartisan effort.

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

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

Mr. Speaker, flags throughout the Nation are at half staff, and, coincidentally, we have just celebrated our own Veterans Day. We particularly feel that celebration here in the District of Columbia where we have served our country since it was created and still have no vote on this floor, even though the residents of the city I represent pay the highest taxes per capita of any residents anywhere in the United States, including our veterans, who continue to go to war without a vote.

But this afternoon, Mr. Speaker, in the wake of Veterans Day, the House is considering several bills that will benefit the Nation's veterans. I strongly support much of this legislation. I believe that many of these bills will pass the House without a single dissenting vote.

Regrettably, that is not the case, Mr. Speaker, for H.R. 1694, which I cannot support because, as currently drafted, it may cause destructive harm to the Department of Transportation's Disadvantaged Business Enterprise, or DBE, program, which helps combat historic discrimination against women and minority-owned small businesses.

The DBE program helps level the playing field and provides an opportunity for these small businesses to

fairly compete for highway and transit construction contracts. Regrettably, this bill could destroy the entire program, taking everything down with it, including the veterans it purports to add.

The U.S. Supreme Court has been very clear in determining that the DBE program must be subject to the highest standard of constitutional review by the courts, known as the strict scrutiny test, to be constitutional. Under the strict scrutiny test established by the U.S. Supreme Court, the DBE program must be narrowly tailored to serve a compelling governmental interest.

To meet these objectives, State Departments of Transportation and public transit agencies must certify individual DBE businesses and conduct extensive disparity studies to determine the appropriate goal for awarding contracts to the small businesses owned by women and minorities in a particular community or State. That is a very rigorous standard.

The bill before us today, however, adds all veteran-owned businesses without the constitutionally mandated study. I emphasize that service-connected disabled veterans are and always have been included. They are a narrowly tailored group of veterans. However, the change offered today threatens the constitutionality of the existing DBE program because it would no longer clearly meet one of the two essential elements of the Supreme Court test.

The most important is that the program be narrowly tailored to address the continued effects of discrimination, which the disparity study must have already shown. Thus, although the bill has a worthy objective, it has an unintended consequence of threatening the very program designed to help level the playing field for small businesses owned by women and minorities and, as would happen, veterans as well. It just would blow up the whole program.

The gentleman from Maryland (Mr. CUMMINGS) and I have met extensively with the gentleman from Pennsylvania (Mr. FITZPATRICK) to outline these concerns. Mr. CUMMINGS and I, in response, developed an alternative approach to create a veteran-owned business enterprise program within the Department of Transportation. Under that program, there would be a national goal to ensure that veteran-owned small businesses receive highway and transit construction contracts. Moreover, this program would not undermine the constitutionality of the existing DBE program.

Mr. CUMMINGS and I introduced that bill earlier today, and I had hoped, in the spirit of compromise that is necessary to save the program at this point, we could proceed with that compromise proposal that would achieve all of our objectives: Mr. FITZPATRICK's objectives and the objectives that have been in the bill since the 1980s. Regrettably, we have not yet reached any

such agreement on this approach with the gentleman from Pennsylvania prior to today's consideration of H.R. 1694.

I urge my colleagues to join me in opposing the bill.

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

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

Mr. Speaker, only in the Nation's Capital, only in Washington, D.C., would somebody ever make the argument that adding veterans to any Federal program would make it weaker, but that is the argument we just heard. The fact is, of the hundreds of thousands of veteran-owned small businesses in the United States of America, the owners of many of them are women veterans, the owners are minority veterans.

I just want to address some of the arguments that my colleague from the District of Columbia has made, two in particular.

First, the Fairness to Veterans for Infrastructure Investment Act does not presume that veterans are socially and economically disadvantaged for purposes of the DBE program. Instead, the veteran-owned small businesses are given the exact same definition that they have in other contracting programs through the Small Business Act. The DBE program was set up to assist certain classes of small businesses, and this bill does not affect those businesses, number one.

Number two, the Fairness to Veterans for Infrastructure Investment Act uses existing Small Business Act definitions requiring that businesses be 51 percent owned or controlled by veterans. The certification process and the screening was put in place by the Department of Transportation regulations, a similar process that would apply to veteran-owned small businesses. Additionally, any business participating in the DBE program could also be publicly owned.

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

Ms. NORTON. Mr. Speaker, I do want to note that the gentleman is correct that women are covered. They are already covered. One-third of those covered under the DBE category of minority and ethnic groups are minorities. So we do have large numbers of women and minorities covered, and the disparity studies have been done as to them.

No disparity studies have been done as to veterans as a whole. If the gentleman wants to do such a study, we invite him to work with us in doing a disparity study on veterans rather than blowing up the whole program.

I now yield 4 minutes to the gentleman from Maryland (Mr. CUMMINGS), a member of the committee and my good friend.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for yielding, and I also thank her for her leadership as the ranking member of the Sub-

committee on Highways and Transit of the Committee on Transportation and Infrastructure.

This past week, our Nation paused to honor the extraordinary service of our Nation's veterans. The foundation of America's military is not ships or missiles, and it isn't tanks or jets. The foundation of our military is the men and women who voluntarily serve, the ones who give their blood, sweat, and tears to make sure that we have the freedom that we experience every day.

Too often those who have served our country, particularly after the terrible events of 9/11, have faced significant challenges finding civilian employment. Earlier this year, the Bureau of Labor Statistics released a report on veterans' employment in 2014. According to the BLS, last year there were more than 21 million men and women who had served in our Armed Forces, or approximately 9 percent of our civilian population.

The BLS found that in 2014 the jobless rate for all veterans was 5.3 percent, while the unemployment rate for veterans who had served since 9/11 was 7.2 percent. The BLS also found that the unemployment rate for veterans in my home State of Maryland was 8.5 percent, the highest among all 50 States.

According to data drawn from the Census Bureau's Survey of Business Owners in 2007, there were nearly 2½ million businesses in the United States of which veterans comprised the majority ownership. Together, these businesses had receipts of approximately \$1.2 trillion. Nearly half a million of these businesses were also employers, with a combined annual payroll of approximately \$210 billion.

Now, I agree with Representative FITZPATRICK that we must expand programs that help veterans find employment after their service ends and that we should expand contracting opportunities in the highway and transit programs for small businesses owned by veterans. I just don't think adding veterans to the existing DBE program is the right way to accomplish these goals.

Adding veteran-owned small businesses to the DBE program would force the veteran-owned businesses to compete with disadvantaged business enterprises already participating in the program for contracting opportunities. The best way to help veterans is to establish a Federal participation goal that is specifically for veteran-owned small businesses and business concerns separate and apart from the DBE program.

□ 1600

Today I and several of my colleagues introduced legislation to accomplish just that. Our bill, H.R. 3997, would amend the MAP-21 program to create a 10 percent aspirational goal for veteran-owned small-business concerns.

Setting a specific and separate goal for veteran-owned businesses would be

consistent with existing Federal contracting programs while ensuring that veterans do not have to compete with any other business under the aspirational goal.

Setting a separate goal would also ensure that we do not make changes to the DBE program that could open the program to new legal challenges that could limit the program's ability to serve either DBEs or veterans.

I hope that my colleagues across the aisle agree to work with us to create a program that will provide the maximum benefit to veterans, which is a Veterans Business Enterprise program with its own aspirational goals.

To that end, I join Ranking Member NORTON in urging Members to oppose the bill currently before us in favor of creating a program that will serve veterans and only veterans.

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

Mr. Speaker, I appreciate the comments of my colleagues. I would just indicate that this is not a bill that was just recently filed. This was filed and has been pending in the House since 2012, when I first filed the Fairness to Veterans Act, seeking to put our veterans to work as they are coming off the battlefield and coming back into a difficult economy, many of them starting businesses because they are entrepreneurial, because they are hard workers, and because they have those skills that they achieved while defending our Nation with our training. They want to put it back in the economy and help get their country's economy moving again.

Many of them found that, as they were competing for contracts, they were not on a level playing field. I indicated that for 5 years this policy has been pending and there have been too few meetings to try to forward the idea of helping our Nation's veterans compete.

For 5 years our Federal Government has been measuring the DBE program. On the 10 percent contracting goal that is set forth in the Disadvantaged Business Enterprise program, for 5 years in a row, 25 of the 50 States—half of the States—never met their 10 percent goal.

So when we hear that we don't want our Nation's veterans competing against others within the 10 percent set-aside, first of all, half the 10 percent set-aside is not being met. Number two, I think we do want competition. I think we do want our Nation's veterans competing.

It will not only be good for our Nation's veterans, it will be good for all enterprises, all businesses, in this country. Competition is what built this country. Competition will help put our Nation's veterans back to work and get our roads and bridges rebuilt, which is a big and important job.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from Pennsylvania has 9½ minutes remaining.

Mr. FITZPATRICK. Mr. Speaker, with respect to that big and important job that our Nation's veterans are prepared for, I would say that we know that they are up to the challenge, and the statistics prove it.

There are 250,000 veterans transitioning each year from military to civilian life, and they are looking for their next mission. A quarter of them say they want to start or buy their own business in the future. That is something that we should celebrate, encourage, and support.

They join the nearly one in seven veterans who are self-employed or are small-business owners right now. The impact of veteran-owned businesses and entrepreneurs with a veteran background on our economy is impressive.

There are currently 3.7 million veteran-owned businesses in the United States, accounting for more than \$1.6 trillion in receipts and employing 8.2 million people. Of them, there are more than 380,000 veteran-owned construction firms, 414,519 veteran-owned firms in the professional, scientific, and technical services, and over 10 percent of all manufacturing firms are veteran owned. These are the people that would stand to benefit from this common-sense bill.

Unfortunately, the numbers also show that 75 percent of current veteran business owners are over the age of 55. That means we need to support the next generation of veteran small-business owners. The Fairness to Veterans for Infrastructure Act lays that groundwork.

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

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

The gentleman said there haven't been enough meetings. I met with the gentleman more than once and then wrote an extensive memo on the problems with the bill.

You just can't divide veterans the day after Veterans Day. You can't divide this House on the question of veterans, not when we have offered an entire program for veterans.

So I don't know what is so sacred about being in this particular program. In fact, the gentleman mentioned that minorities and women were not, in fact, meeting all of their goals. Therefore, some of those goals are left on the table.

That is a very important point. Because being a minority or a woman is not enough to qualify you for this—and I don't even want to call it a set-aside for this goal is not a set-aside. So these minorities and women have to show equivalent skills with others who are competing. It is not an easy thing to do.

So it is not a question of whether there are some leftover points to be picked up by veterans. The DBE program has 30 years of history in the United States Supreme Court.

Mr. Speaker, even with that history, every time this bill is passed the DBE

program is challenged. Each time the Justice Department, under Democratic and Republican Presidents, have defended it as a narrowly tailored program.

Recognizing that history and the strict, narrowly tailored standard, the gentleman was offered a way for veterans to, in fact, be recognized in transportation and infrastructure programs.

He was offered a way that is probably even better than the program that unites minorities, women, and, I might add, service-disabled veterans, who are a narrowly tailored group that is already included.

But instead of accepting this offer, he has decided he wants to blow up the entire DBE program for veterans and everyone else. We can't agree to such a destructive approach, particularly when we have offered the gentleman a way for veterans to be recognized.

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

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

Mr. Speaker, it is disappointing to hear the motives behind my interest in putting our Nation's veterans back to work being mischaracterized on the floor, the 5-year effort from 2011 to 2015 where I patiently worked on both sides of the aisle, where I patiently introduced bills, where I patiently signed up sponsors and cosponsors on both sides of the aisle.

Only in Washington, D.C., would you say that, after 5 years' worth of legislative work on an issue to help our veterans, we are rushing something to the floor. That is what is being suggested here today.

In fact, this bill is the product of years of work, much of that work hand in hand with The American Legion. And, Mr. Speaker, this is what The American Legion has to say: On behalf of the 2.3 million members of The American Legion, I would like to express my support for H.R. 1694, the Fairness to Veterans for Infrastructure Investment Act.

This bill passed as a resolution at the National Convention of The American Legion. They supported the Fairness to Veterans for Infrastructure Investment Act. It was Resolution 339. It passed The American Legion's 2014 national convention.

It states that The American Legion "supports legislation to ensure equal parity for all veterans in all small-business government contracting programs, thus ensuring no veteran procurement program is at a disadvantage in competing with any other government procurement program established by law."

The American Legion supports the passage of this legislation. It also goes on to applaud the leadership in addressing this critical issue facing our Nation's servicemembers and veterans. Mr. Speaker, that is from Michael Helm, National Commander of The American Legion.

Let me add that we are not just talking about construction firms, as I said earlier. We are talking about a wide swath of veteran businesses that will be impacted.

This is what The American Legion pointed out at their national meeting. They pointed out that: This bipartisan, commonsense, and no cost to taxpayer update of existing legislation redresses the exclusion of veteran-owned small businesses when the framework of the DBE program was originally drafted, such as personnel, administrative, engineering, landscaping, utilities and information technology. So, again, this is an issue that affects all veteran-owned small businesses.

That is from Joe Sharpe, Director of The American Legion's Veterans Employment and Education Division.

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

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

The gentleman mentioned 5 years that he has put into his bill. His party has been in power the past 5 years. As far as I know, he never asked for a hearing so that these issues could be clarified. I am sure that, if he had, we might have been able to iron this out.

Even without a hearing, based on what the Supreme Court has said, we have no choice but to oppose the bill as he has offered it, in not differentiating among the veterans he is speaking about, but putting in a global group, which has never been done or approved.

We have barely been able to get the Supreme Court to agree to let such programs prevail, but we have always succeeded in getting the Court to understand that past discrimination has been shown through disparity studies. Without any disparity studies, the gentleman from Pennsylvania means to march straight up to the Supreme Court and say: We are veterans. Approve us anyway.

Nobody opposes veterans, particularly at this time, following what we have seen in Paris. The way to make sure that veterans are not left out is to sit down with us and figure it out, not to barnstorm the floor in the hope that, since you are in the majority, it will pass.

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

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

Mr. Speaker, the gentlewoman from the District of Columbia indicated that there has not been a hearing in the House of Representatives in the relevant subcommittees or committees on the Fairness to Veterans for Infrastructure Investment Act.

The fact is, for 5 years, this bill has been pending. Anybody on the committee, including Ms. HOLMES NORTON of the District of Columbia, could have asked for and had a hearing.

It is a shame that, after 5 years, there was no hearing. But we have a hearing now on the floor here on this bill.

In addition to the Transportation Committee, the bill was also referred to the Small Business Committee. The American Legion testified on the bill within one of their subcommittees.

So there was a hearing. There was testimony. There was an opportunity for all Members to question and to follow up on those questions and to submit material after the hearing was over.

So, after 5 years of debate, after 5 years of negotiation, after 5 years of working with committees and subcommittees, this bill was prepared to be voted on here today.

Mr. Speaker, I include in the RECORD the letter from The American Legion dated April 22, 2015, signed by National Commander Michael D. Helm, in support of the Fairness to Veterans for Infrastructure Investment Act.

THE AMERICAN LEGION,  
Washington, DC, April 22, 2015.

Hon. MICHAEL FITZPATRICK,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE FITZPATRICK: On behalf of the 2.3 million members of The American Legion I would like to express support for H.R. 1694, the Fairness to Veterans for Infrastructure Investment Act.

Resolution 339, passed at The American Legion's 2014 National Convention states that The American Legion "... supports legislation to ensure equal parity for all veterans in all small business government contracting programs, thus ensuring no veteran procurement program is at a disadvantage in competing with any other government procurement program established by law."

This bill would work to achieve this end, by making veteran-owned small businesses (VOSBs) eligible for Disadvantaged Business Enterprise (DBE) programs of the Department of Transportation (DoT). Veterans are not presumed to be socially or economically disadvantaged for purposes of DBE programs; instead the proposed legislation would make VOSBs independently eligible by establishing VOSBs as a separate entity who count for the purposes of the 10 percent goal as set by DoT.

Again, The American Legion supports passage of this legislation, and applauds your leadership in addressing this critical issue facing our nation's service members and veterans.

Respectfully,

MICHAEL D. HELM,  
National Commander.

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

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

This is the first time I have ever heard a Member from the majority say that a Member from the minority should have asked for a hearing on his bill. If you are in the majority and you want a hearing on your bill, that is your obligation.

Mr. Speaker, I yield to the gentlewoman from Florida (Ms. BROWN), my good friend, for the purpose of a colloquy.

□ 1615

Ms. BROWN of Florida. Mr. Speaker, first of all, let me just say that we just finished celebrating Veterans Day, and as the ranking member, I support veterans 100 percent.

Also, as a minority, I have a question for the gentlewoman because we just celebrated the 1965 Voting Rights Act and, of course, minorities have had a tough time participating in many programs.

Can you tell me, if this amendment passed, how will this affect the MBA, the minority business program in transportation?

We have both been on this committee. I have been on it for over 23 years, and we know it has to be narrowly tailored, or else we will have no programs.

Ms. NORTON. I thank the gentlewoman for her question.

Unfortunately, there is some very rough history to prove what needs to be done. It is not as if we are speculating on what the constitutional standard is. The constitutional standard has been developed. The States have to do their disparity studies all over again to show that groups should still be included. Some groups may fall out.

This is delicate work, and in our constitutional government, we don't say every worthy group should have a preference. We need to make a showing, and if that showing isn't made, then the matter will not stand.

If you want to give a very, very painful example of that, let's take the Voting Rights Act. The Supreme Court of the United States overturned, about 5 years ago, the Voting Rights Act.

Guess why, Mr. Speaker? They said there had been some changes, and that people of color could now vote, as they couldn't always vote when the Voting Rights Act was passed. And so they threw it back to this Congress, and said: All right, you can have a Voting Rights Act but you must update the Act to show that there is still a disparity in voting. There are pending now three bills in order to do that.

But if the Supreme Court did that on the Voting Rights Act, where the discrimination was perhaps the most apparent, from poll taxes to lynching, you can imagine where we would be on DBE, and we have got 30 years of court history to show it.

We all want to do the best that we possibly can for our veterans. The way to do that is to sit down and design a bill that would, in fact, pass constitutional muster. We know how to do it.

This is not a matter of the ego of whoever introduces the bill. It is a matter of how you make sure that veterans, in fact, are designated, in a constitutional way, for participation in the soon-to-be-signed-by-the-President surface transportation bill.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman from the District of Columbia has 45 seconds remaining.

Ms. NORTON. Mr. Speaker, we have done the best we could for our veterans in speaking for this bill today. We remain open to assuring that the veterans participate in the funds that are

about to come from the transportation and infrastructure bill.

I yield back the balance of my time.  
Mr. FITZPATRICK. Mr. Speaker, we know that we must rebuild our crumbling infrastructure in this country. That is not a question.

In fact, in my home State of Pennsylvania, 15 percent of roads are in poor condition, and there are over 5,200 structurally deficient bridges. There is plenty of work to do, work which will be supported by the bipartisan passage of the other week's 6-year surface transportation bill.

What we can decide today, with my Fairness to Veterans Act, is if it will be in our Nation's interest that our veterans will help to lead that work.

Let's salute our veteran small-business owners by empowering them to rebuild America and passing the Fairness to Veterans for Infrastructure Investment Act, a bipartisan, commonsense, no-cost-to-the-taxpayer update of existing legislation. I urge my colleagues to support this simple bipartisan proposal and pass this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill, H.R. 1694.

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

The yeas and nays were ordered.

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

#### PROVIDING FUNDS TO THE ARMY CORPS OF ENGINEERS TO ASSIST WITH CURATION AND HISTORIC PRESERVATION ACTIVITIES

Mr. GIBBS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3114) to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3114

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

#### SECTION 1. FINDINGS.

*Congress finds the following:*

(1) The Corps of Engineers and other Federal agencies are required to preserve and catalogue artifacts and other items of national historical significance that are uncovered during the course of their work (notably under part 79 of title 36, Code of Federal Regulations).

(2) Uncatalogued artifacts within the care of Federal agencies are stored in hundreds of repositories and museums across the Nation.

(3) In October 2009, the Corps of Engineers, Center of Expertise for the Curation and Man-

agement of Archaeological Collections, initiated the Veterans' Curation Program to employ and train Iraq and Afghanistan veterans in archaeological processing.

(4) The Veterans' Curation Program employs veterans and members of the Armed Forces in the sorting, cleaning, and cataloguing of artifacts managed by the Corps of Engineers.

(5) Employees of the Veterans' Curation Program gain valuable work skills, including computer database management, records management, photographic and scanning techniques, computer software proficiency, vocabulary and writing skills, and interpersonal communication skills, as well as knowledge and training in archaeology and history.

(6) Since 2009, a total of 241 veterans have participated in the Veterans' Curation Program, including the current class of 38 participants. Of the 203 graduates of the program, 87 percent have received permanent employment in a field related to training received under the program or chosen to continue their education.

(7) Experience in archaeological curation gained through the Veterans' Curation Program is valuable training and experience for the museum, forensics, administrative, records management, and other fields.

(8) Veterans' Curation Program participants may assist the Corps of Engineers in developing a more efficient and comprehensive collections management program and also may provide the workforce to meet the records management needs at other agencies and departments, including the Department of Veterans Affairs.

#### SEC. 2. TRAINING AND EMPLOYMENT FOR VETERANS AND MEMBERS OF ARMED FORCES IN CURATION AND HISTORIC PRESERVATION.

*Using available funds, the Secretary of the Army, acting through the Chief of Engineers, shall carry out a Veterans' Curation Program to hire veterans and members of the Armed Forces to assist the Secretary in carrying out curation and historic preservation activities.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. GIBBS) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

#### GENERAL LEAVE

Mr. GIBBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 3114.

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

There was no objection.

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

As our veterans return home, they deserve opportunities for employment in addition to our thanks for their brave sacrifice and service.

I believe one of the greatest responsibilities our government has is to ensure the members of our military, both Active and retired, and their families have opportunities upon returning home.

Our veterans gave a career of service to their country, risked their lives in combat, and experienced long periods of separation from their families.

The Veterans Curation Program was created to give veterans the opportunity to adjust to a civilian work environment and learn important skills

while processing at-risk archeological collections belonging to the U.S. Army Corps of Engineers.

By investing in servicemembers, the Veterans Curation Program is building on the skills that veterans acquire during military service, including leadership, teamwork, and attention to detail.

Working under the direct supervision of professionals in the field of archaeology, the veterans receive competitive pay and technical training in a peer-to-peer veterans environment. I urge all Members to support the bill.

I reserve the balance of my time.

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

Mr. Speaker, I too rise in support of H.R. 3114, as stated by my colleague, a bipartisan bill, introduced along with my colleague, Congressman RODNEY DAVIS from Illinois, to permanently authorize available funds from the Army Corps of Engineers to hire veterans for curation and historic preservation of archaeological sites, items of historical value during their excavation and during other related activities.

It is very notable that, on the legislative week immediately following Veterans Day, the House is considering important legislation to provide job training assistance to hire and train our veterans.

As part of our government's effort to protect our Nation's archaeological heritage, Federal agencies are required to provide curation and preservation services to professional museums and archival practices.

In 2009, the Army Corps of Engineers began training veterans in archaeological processing activities, using temporary funds provided by the American Reinvestment and Recovery Act, otherwise known as ARRA.

For 6 years, veterans have enrolled in the program, and have been acquiring valuable job skills, including but not limited to computer database management, records management, scanning, and photographing records and artifacts. These are skills further preparing our veterans for today's competitive job market by giving them valuable, hands-on experience.

As of earlier this year, 231 veterans have gone through the program, and currently they have 38 veterans in this current class.

As a direct result of the program, 139 veterans have obtained permanent employment; 39 have continued their education, either at colleges, universities, or in certificated programs.

Not only does the Corps' Veterans Curation Program educate, train, and employ veterans, the program's jobs are tailored to fit the capabilities of disabled veterans. The Corps undertakes these activities in three facilities across our country, located in Georgia, Virginia, and Missouri.

Mr. Speaker, my colleagues and I are grateful for the chance to provide our veterans an opportunity to continue