

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment and makes technical corrections to the drafting.

SECTION 921. INCREASE IN PENALTY FOR FAILURE TO FILE RETURN OF TAX

Present Law

The Federal tax system is one of "self-assessment," i.e., taxpayers are required to declare their income, expenses, and ultimate tax due, while the IRS has the ability to propose subsequent changes. This voluntary system requires that taxpayers comply with deadlines and adhere to the filing requirements. While taxpayers may obtain extensions of time in which to file their returns, the Federal tax system consists of specific due dates of returns. In order to foster compliance in meeting these deadlines, Congress has enacted a penalty for the failure to timely file tax returns.¹

A taxpayer who fails to file a tax return on or before its due date is subject to a penalty equal to 5 percent of the net amount of tax due for each month that the return is not filed, up to a maximum of 25 percent of the net amount.² If the failure to file a return is fraudulent, the taxpayer is subject to a penalty equal to 15 percent of the net amount of tax due for each month the return is not filed, up to a maximum of 75 percent of the net amount.³ The net amount of tax due is the amount of tax required to be shown on the return reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credits against tax which may be claimed on the return.⁴ The penalty will not apply if it is shown that the failure to file was due to reasonable cause and not willful neglect.⁵

If a return is filed more than 60 days after its due date, and unless it is shown that such failure is due to reasonable cause, the failure to file penalty may not be less than the lesser of \$135 (indexed annually for inflation) or 100 percent of the amount required to be shown as tax on the return. If a penalty for failure to file and a penalty for failure to pay tax shown on a return both apply for the same month, the amount of the penalty for failure to file for such month is reduced by the amount of the penalty for failure to pay tax shown on a return.⁶ If a return is filed more than 60 days after its due date, the penalty for failure to pay tax shown on a return may not reduce the penalty for failure to file below the lesser of \$135 or 100 percent of the amount required to be shown on the return.⁷

The failure to file penalty applies to all returns required to be filed under subchapter A of Chapter 61 (relating to income tax returns of an individual, fiduciary of an estate or trust, or corporation; self-employment tax returns, and estate and gift tax returns), subchapter A of chapter 51 (relating to distilled spirits, wines, and beer), subchapter A of chapter 52 (relating to tobacco, cigars, cigarettes, and cigarette papers and tubes), and subchapter A of chapter 53 (relating to machine guns and certain other firearms).⁸ The failure to file penalty does not apply to any failure to pay estimated tax required to be paid by sections 6654 or 6655.⁹

House Amendment

Under the provision, if a return is filed more than 60 days after its due date, then

the failure to file penalty may not be less than the lesser of \$205 or 100 percent of the amount required to be shown as tax on the return.

Effective date.—The provision applies to returns required to be filed in calendar years after 2015.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment provision.

SECTION 922. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND ON MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE

Present Law

The temporary moratorium on states and localities taxing Internet access or placing multiple and discriminatory taxes on Internet commerce expires on December 11, 2015.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

Section 922 makes permanent an existing moratorium on states and localities taxing Internet access or placing multiple and discriminatory taxes on Internet commerce. The existing temporary ban was first put in place in 1998. Since then, Congress has extended it multiple times with enormous bipartisan support. Section 922 converts the moratorium into a permanent ban—on which consumers, innovators and investors can permanently rely—by simply striking the 2015 end date. The original moratorium included a grandfather clause to give States that were then taxing Internet access some time to transition to other sources of revenue. All but six of the originally grandfathered states have discontinued taxing Internet access. Section 922 gives those states additional time by delaying the phase-out of the grandfathers until June 30, 2020 which is the end of the fiscal year for states and the start of a new billing cycle for Internet access providers.

MINORITY VIEWS

During the Senate's consideration of legislation earlier this year, Finance Committee Ranking Member Ron Wyden, Senator Bill Nelson (D-FL), and Senator Ben Cardin (D-MD), members of the Finance Committee, expressed their support for the establishment of a process whereby Congress would consider the merits of an extension of certain apparel Tariff Preference Levels (TPLs). It is the view of Senator Wyden that these programs can offer benefits to U.S. consumers, workers, and exporters, and Congress should further consider the merits of an extension of the Nicaragua, Bahrain, and Morocco TPLs.

KEVIN BRADY,
DAVID REICHERT,
PAT TIBERI,

Managers on the Part of the House.

ORRIN HATCH,
JOHN CORNYN,
JOHN THUNE,
JOHNNY ISAKSON,
RON WYDEN,
DEBBIE STABENOW,

Managers on the Part of the Senate.

RED RIVER PRIVATE PROPERTY PROTECTION ACT

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill, H.R. 2130.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 556 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2130.

The Chair appoints the gentleman from Texas (Mr. POE) to preside over the Committee of the Whole.

□ 1510

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2130) to provide legal certainty to property owners along the Red River in Texas, and for other purposes, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Utah (Mr. BISHOP) and the gentlewoman from Massachusetts (Ms. TSONGAS) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, this is an extremely important bill to the people who live in this particular area of Texas and Oklahoma.

Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. MCCLINTOCK), the subcommittee chair who heard this bill.

Mr. MCCLINTOCK. Mr. Chairman, every now and then, we have a chance to stop an injustice and restore the fundamental purpose of our government to secure the inalienable rights of the people. In this instance, the Federal Government has become destructive of this end. It is attempting to seize thousands of acres of private land lawfully owned by American citizens along a 116-mile stretch of the Red River between Texas and Oklahoma. Mr. THORNBERRY's bill would stop this injustice, reassert the rule of law, and restore the unclouded title of these lands to their rightful owners.

In 1923, the U.S. Supreme Court established the rules for determining the boundary between Texas and Oklahoma that established the property rights over this land. For nearly a century, the Federal Government recognized and respected the property lines established by this ruling. Property owners purchased and sold this land and, in some cases, passed it down from generation to generation. These property owners, in good faith, dutifully paid

¹ See *United States v. Boyle*, 469 U.S. 241, 245 (1985).

² Sec. 6651(a)(1).

³ Sec. 6651(f).

⁴ Sec. 6651(b)(1).

⁵ Sec. 6651(a)(1).

⁶ Sec. 6651(c)(1).

⁷ *Ibid.*

⁸ Sec. 6651(a)(1).

⁹ Sec. 6651(e).

taxes on their lands year after year, invested in these lands, maintained them, cultivated them, and improved them.

Out of the blue, the Bureau of Land Management has now announced that it is arbitrarily changing the boundaries established by the Supreme Court and is seizing this land for itself.

□ 1515

This outrageous claim clouds the property rights along this vast territory. It is based on the flimsiest of pretexts, a limited survey over a fraction of this land that ignored the 1923 Supreme Court decree that originally established these boundary lines. In other words, it is a guess based upon a fraud.

The Red River Private Property Protection Act rights this obvious wrong. It requires the Federal Government, in conjunction with the affected State and tribal governments, to make clear the true ownership of this property.

It tells the BLM to back off, and authorizes a collaborative survey to be conducted by the affected State and tribal governments, according to the rule of law established by the Supreme Court. And if this new survey determines any errors in the old, it provides that the landowners who have poured their blood, toil, tears, and sweat into this land can repurchase it for a \$1.25 per acre, the price set by the Color of Title Act to resolve disputes of this nature.

Without this act, title to the farms and homes will be clouded for decades while this matter drags on through the courts.

Meanwhile, the BLM's assertion that it has regulatory jurisdiction would have devastating impacts on local landowners and businesses and make it much more difficult to encourage economic development in the region.

We should also beware of an amendment sought by several neighboring tribal governments that attempts to seize this property for themselves. Despite the fact that this bill is to be amended to reaffirm all tribal treaties to assure that the tribes are an integral part of the new survey process, and are guaranteed the right of first refusal over any lands they currently occupy, they are seeking to replace the injustice perpetrated by the BLM with an injustice of their own.

Whether private property is seized by the Federal Government or by a tribal government makes no difference to the innocent victims whose land is being stolen, and it is an equal affront to the just principles of property rights that this bill seeks to restore.

Tribal governments whose own sovereignty and property rights are often threatened by this Federal Government ought to be particularly sensitive when that same government threatens the rights of others.

Government exists to protect our natural rights, including our property rights. This bill realigns our government with its stated purpose.

Ms. TSONGAS. Mr. Chairman, I yield myself such time as I may consume.

H.R. 2130, the Red River Private Property Protection Act, sponsored by Representative THORNBERRY of Texas, aims to resolve a series of property disputes along a 116-mile stretch of the Red River, which forms a portion of the boundary between Texas and Oklahoma.

While this legislation may seem like an issue with only local or regional interests, it speaks to broader policy issues on our Nation's public lands, lands which belong to all Americans.

I am sympathetic to the concerns of Mr. THORNBERRY and his constituents. Landowners in the area, some of whom have lived there for generations, deserve clarification on the amount of land owned by the Federal Government and the location of the boundary between Texas and Oklahoma.

However, as written, I am concerned that this legislation undermines the authority of the Federal Government, and potentially jeopardizes longstanding mineral revenue distribution agreements with the State of Oklahoma and certain Native American tribes.

Federal interest in land along the Red River goes back to the Louisiana Purchase. More than 200 years later, after several treaties and compacts, there is still confusion about the amount of land owned by the Federal Government and the location of the boundary between Texas and Oklahoma.

The majority rightly cites a 1926 Supreme Court case that established the gradient boundary method as the means of determining the boundary between the two States, Texas and Oklahoma.

Under this decision, which has been adhered to for nearly a century, the boundary of Oklahoma extends to the center of the river, and the Texas boundary extends to the ordinary high water mark on the south bank. All the land in between was retained in Federal ownership.

The Supreme Court ruling established the boundary between the States, but it did not change the ownership status of any land, and the Federal Government has had a continual interest in land along the Red River.

To complicate matters even further, the area has a long history of oil and gas development and includes several tribal interests.

The Bureau of Land Management, the Federal Government's "Surveyor of Record," is in the process of updating its management plan for the area, which includes surveying all of the land in question, in order to determine the extent of the remaining Federal interest and clarify ownership claims.

There are many overlapping claims, missing and unreliable records, and even competing claims from both Texas and Oklahoma over the same pieces of property, so the BLM is poring through county GIS data to sort out who owns what and where.

This survey is not a land grab by the Federal Government. It is a long, but necessary, process that BLM must work through to validate ownership claims.

In fact, BLM wants to limit Federal interest in the region. But it has to be allowed to survey the area first.

There are an estimated 30,000 acres of Federal land in the affected area, 23,000 of which are potentially overlaid by private deeds. Without the survey, the agency will have no legal way to give a clear title to land claimed by a private interest or determine what Federal land is suitable for sale.

Unfortunately, H.R. 2130 halts the survey process, nullifies all previous BLM surveys, and transfers survey authority to the Texas General Land Office. The bill also requires the Secretary of the Interior to forfeit any right, title, and interest to land in the affected area.

Taking away BLM's survey authority and putting the Texas General Land Office in control of the survey would effectively make a large portion of the estimated Federal landholdings disappear. The result is unfair to American taxpayers, who deserve fair compensation for their assets.

H.R. 2130 could also jeopardize a longstanding agreement between the Federal Government and the Kiowa, Apache, and Comanche tribes. These tribes receive 62.5 percent of any royalty generated for oil and gas development along this section of the Red River. If part of this land no longer belongs to the Federal Government, this important source of revenue relied on by the tribes could also vanish.

Yesterday, the Natural Resources Committee received a letter from the Kiowa-Comanche Intertribal Land Use Committee that outlined serious concerns with the bill, as introduced. We were unable to hear about these concerns until now, because we have not had a hearing on this bill in this Congress.

Representative COLE has offered an amendment to address the concerns of these tribes. His amendment will ensure that the mineral and surface interests held by tribes are not diminished by this bill. The Cole amendment makes significant improvements to the bill, and I am glad the Rules Committee made it in order.

Adoption of the Cole amendment, however, does not address all of our concerns or remove our fundamental opposition to the bill.

I want to reiterate, we would all like to see the property dispute resolved in a way that benefits all parties and provides much-needed clarification for local landowners and tribes. However, instead of ceding Federal authority to a State, Congress should allow BLM to complete its work.

I urge my colleagues to reject H.R. 2130.

Before I reserve my time, I want to note that, as we approach the end of the year, there are critical issues that

we have yet to address. Funding the Federal Government, extending tax breaks and, yes, addressing the scourge of gun violence in this country are just a few that deserve our urgent attention, instead of debating this bill, which the President will likely veto.

For example, Representative KING's bill, H.R. 1076, the Denying Firearms and Explosives to Dangerous Terrorists Act is a bipartisan and commonsense bill that would make our communities safer.

Since 2004, for 11 years now, more than 2,000 FBI-identified suspected terrorists have legally purchased weapons in the United States. This is an alarming figure.

That is why I am a cosponsor of Republican Congressman PETER KING's bill, which would prevent people who are linked to terrorist activities from buying a gun, a commonsense bill that has support from both Republicans and Democrats, and would protect our communities.

It is pretty simple. If the Federal Government doesn't allow you to board an airplane, it shouldn't allow you to buy a gun.

I have joined my colleagues in filing a discharge petition to force a vote on this bill after House Republicans have repeatedly voted to prevent the House from even debating Congressman KING's bill.

We should be doing everything we can to keep deadly weapons out of the hands of suspected terrorists. It is just common sense to allow a vote on this.

I urge the Republican leadership to allow on vote on this bill.

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

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

For people whose homes and lives are being threatened by inaction or an improper action of the Federal Government, that is a critical issue to them. This bill is significantly important to people who are being harmed by the Federal Government.

So this is what happened: In 2009, the Bureau of Land Management, they did a survey on 6,000 acres, out of a potential of about 90,000 acre piece of property. They used poor surveying methods, methods that were outlawed by the Supreme Court back in the 1920s because of the inaccuracy of the method they used.

Four years later, this Bureau then decided, based on the inaccurate surveying done in an improper way, that they would lay claim to 90,000 acres. They later reduced that number somewhat, even though people lived on the land they were claiming. Their homes were there. Their future was there. They had a valid title to that land. They had been paying taxes on that land for years.

Nonetheless, the government decided it was theirs. The government had no use for this land. They had no plan. They had no need for it. All it was was about control.

Even the BLM workers who were on the field that understood, they didn't want this. It was made up here in the higher levels of people who want to control. And even though they own a third of the land mass of the United States, that simply was not enough. They wanted to go after the homes of these people as well.

If people were in the way of that control, they didn't care. If property rights were in the way of that control, they didn't care.

We have seen this issue played over and over on this floor recently. We had a bill the other day in the State of Virginia, where 1 acre, 1 acre of a park that was not being used was needed for a daycare center, and the Park Service was opposed to it because it took their control away from that 1 acre of land. Fortunately, we passed that bill on a voice vote.

There is a school, a middle school in Reno, Nevada, that was stopped by the BLM because it was going to be put on land that was 12 miles away from a potential sage grouse lek. That was stopped.

There is a lake in Louisiana where the exact same thing is happening on 200 acres around that particular lake, a bad survey in which the Federal Government says, oh, give us time to fix this problem.

The bottom line is, we are seeing, time after time after time, in which actions by the Federal Government, specifically, the Department of the Interior, are actually hurting people, and that is wrong. We must stop that.

We are here in the people's House. It is incumbent upon us, if an agency of government, an administration, or a bureaucracy does something to harm people, it is our responsibility to change that, to challenge it, and to set it right.

If the bureaucracy decides to become heartless thugs and tries to take away property rights, tries to take away homes, then we, the Representatives of the people, need to have this time to stand up there and say, no, it is wrong; we need to do it the right way.

That is exactly what the bill before us does. It says: Stop this inaccuracy. Stop this offense. Stop hurting people. Redo the survey, but redo it in a proper way, and put in a source of process where those who have actual rights on this land can go about and get their rights.

If that undermines the Federal Government, which has had 6 years to redo the survey, and do it the right way, then it is incumbent upon us. If they have done something wrong, we need to fix it.

This bill in no way, shape, or form has any negative impact on anybody's mineral rights. Whether it is the government, tribes, or individuals, it does not harm them.

But it is our job to make sure we do something. We, in this body, set the standards and the boundaries of what government should do, not a faceless

bureaucracy. And when that faceless bureaucracy, after a great deal of time, fails to do their job, that is when we, as a body, need to stand up and set things right to protect the people whom we represent.

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

Ms. TSONGAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentlewoman for yielding.

Mr. Chairman, I am appalled that Republicans are continuing to ignore the calls that Mr. THOMPSON has led to bring up my good friend from New York, Republican PETER KING's bipartisan bill to keep guns out of the hands of terrorists.

It is remarkable enough that individuals on the terrorist watch list are able to freely purchase weapons in this country, weapons that could then be turned against innocent Americans.

In fact, the GAO report showed that over the last 10 years, 90 percent of the people on the terrorist watch list who wanted to buy a weapon passed a background check. That is simply outrageous.

□ 1530

But it is extraordinary that, knowing of this truly absurd policy, Republicans refuse to bring Mr. KING of New York's aptly named Denying Firearms and Explosives to Dangerous Terrorists Act.

Mr. Chairman, protecting our Nation from its enemies motivates my work here in Congress, as it should motivate all of us. That Members on the other side of the aisle are in such thrall to gun advocates that they would place their political aspirations above our national security shocks the conscience. This cannot be.

Mr. Chairman, I hope you will see Mr. KING's worthy bill on the floor without delay.

Mr. BISHOP of Utah. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. THORNBERRY), the sponsor of this bill. He is someone who has been working for at least 6 long years to try to make sure that the Federal Government stops its harming of individuals in taking away their property and their homes.

Mr. THORNBERRY. Mr. Chairman, first, I want to express my appreciation to Chairman BISHOP not only for bringing this bill to the floor, but for taking the time to understand the issues, how they came to be, and cutting to the heart of the matter. I thought he did an outstanding job of explaining the challenges that my constituents face. Also, Subcommittee Chairman MCCLINTOCK has done an excellent job of talking about this bill.

Mr. Chairman, it is absolutely true. This specific legislation applies only to the 116-mile stretch of the Red River

that is at issue here; but one point I completely agree with the gentlewoman from Massachusetts on is that the consequences of this extend far beyond those 116 miles, because if the Federal Government can come in and, through a regulatory process, say this land that you may have a deed to, that you may have paid taxes on for generations, that you may think you own, is not yours but is really ours, then that threatens private property rights throughout the country.

I would suggest, Mr. Chairman, that that is the reason the American Farm Bureau, the Oklahoma Farm Bureau, the Texas Farm Bureau, the National Cattlemen's Association, and the Public Lands Council all support this legislation, because private property rights are very important to be protected wherever they may be threatened.

Now, the bottom line, as Chairman BISHOP just mentioned, is that the BLM conducted some surveys several years ago, spot surveys, and they refuse to follow the mandates of the Supreme Court in its 1926 decision. The rest of the story is, BLM has indicated they will never survey the whole 116 miles. So, as the gentlewoman from Massachusetts points out, well, there is confusion, and this, that, and the other. The only way to straighten it out is to conduct a survey of the whole area and do it under the mandate, the way the Supreme Court of the United States said it should be done. BLM has said they are not going to do that. The only way to get that done is to support this bill.

Mr. Chairman, I do appreciate the gentlewoman from Massachusetts accurately described how there got to be this narrow strip of Federal land from the middle of the river to the south bank. Some people don't understand that. The gentlewoman described it exactly right. But that has been the problem for the BLM. They don't know how to manage a narrow strip of sand down the middle of the river. It has been suggested to me that that is the reason they are looking to expand what they own, so it is easier to manage if they can make it grow. Obviously, as the chairman points out, that takes away people's homes, property that people have the deeds to and that they have paid taxes on sometimes for generations.

The other misstatement that has been made is that somehow Texas is going to control this survey. That is not true. This legislation says Texas, in conjunction with Oklahoma—and I think the manager's amendment will say in conjunction with the tribes—will choose a professional surveyor to do this right. The Congressional Budget Office says this legislation actually saves the taxpayers money. Certainly, we have bent over backwards to make sure landowners on both sides of the river—the tribes, individuals, and local governments—are part of this process.

I think the bottom line, Mr. Chairman, is the only way to prevent the

BLM from taking this land in a timely way without years of court battles is to pass this legislation, as written, with the manager's amendment that Chairman BISHOP will offer, requiring there to be a survey that is done right, and then set up the process so that whatever that survey reveals can be dealt with in an equitable manner. That is what the underlying bill does.

Again, I appreciate the chairman's taking the time to understand this. We don't have a lot of Federal land in and around Texas, but any time the Federal Government comes in to try to confiscate what people own and have paid taxes on for generations, it is a threat to us all, and this legislation, I hope, will be supported.

Ms. TSONGAS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM), my colleague.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chairman, I too believe that Congress must act quickly to address terrorist threats in order to keep Americans safe.

Congress promptly acted in a bipartisan manner this week to strengthen glaring holes in our country's Visa Waiver Program. However, we have done absolutely nothing to close an equally alarming loophole which allows suspected terrorists to purchase guns.

Unlike felons, domestic abusers, and the adjudicated mentally ill, suspected terrorists can legally purchase firearms in the United States. I think that is worth repeating. Individuals who are suspected of being involved in terrorist activities by the FBI can legally purchase dangerous weapons—including military-style assault rifles and explosives—in this country. In fact, more than 2,000 suspects on the FBI's terrorist watch list have purchased firearms over the last 11 years.

If our intelligence community is concerned enough about an individual's suspected ties to terrorism to prohibit them from boarding an aircraft, why would we allow that person to purchase a firearm?

The American people are urging Congress to address gun violence and strengthen our Nation's security against increasing threats from ISIS and other terrorist organizations. This bill provides a rare opportunity to do both. Unfortunately, the Republican leadership has refused to even debate this bill.

We cannot, Mr. Chairman, wait to act any longer. I urge my colleagues to support this legislation and help ensure that every American lives free from the threat of gun violence.

Mr. BISHOP of Utah. Mr. Chairman, I reserve the balance of my time.

Ms. TSONGAS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Ms. FRANKEL), my colleague.

Ms. FRANKEL of Florida. Mr. Chairman, here is what the terrorists say:

"America is absolutely awash with easily obtainable firearms. You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle, without a background check, and most likely without having to show an identification card."

Those words, Mr. Chairman, are from the mouth of former al Qaeda spokesman Adam Gadahn, who, until his demise, was one of the world's most wanted terrorists. Mr. Gadahn can be seen on a video urging lone-wolf attacks on innocent Americans.

After describing how easy it is to buy a firearm in our country, he ends the video by saying: "So what are you waiting for?"

So I ask this Congress: What are we waiting for—more attacks like San Bernardino or Paris? more families destroyed? more innocent lives wasted? more 30 seconds of silence in this Chamber?

Let's save some lives today. Say "no" to the purchase of weapons by those who would use violence and threats to destroy our way of life.

Mr. BISHOP of Utah. Mr. Chairman, I have some other speakers who are on their way, so I will reserve in the hopes that I can hear some other speeches that care about people who are about to lose their homes by the actions of this government, that we actually care about those people.

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

Ms. TSONGAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to address an issue that has been addressed in the course of our conversations.

The majority continues to claim that the Federal Government does not and has never had any legal claim to the land between the river's median and the south bank, but that claim is inaccurate.

This 116-mile stretch of the river originally came into Federal ownership under the Louisiana Purchase in 1803. Treaties between 1819 and 1838 established the south bank of the Red River as the southern border of the United States and the northern border of what is now the State of Texas. In 1867, the land north of the river became part of the Kiowa-Comanche-Apache Reservation, with the medial line of the river denoting the reservation's southern boundary.

All land between the medial line and the southern bank of the Red River was retained—not acquired—by the Federal Government as public land. The land between the medial line and the south bank has never been owned by anyone other than the Federal Government.

The Supreme Court decision in the 1920s never ceded ownership of the public land to either State but simply adopted a new methodology and terminology for determining where the southern bank of the Red River, still the border between Texas and Oklahoma, lies.

Although litigation in the 1980s, resulting from natural changes in the river's location, attempted to settle private landowners' acreage disputes, these agreements had no effect on Federal land ownership. Likewise, while the Red River Compact changed the boundary between the States by switching from applying the gradient line measurement to using the vegetation line, that compact explicitly did not transfer any title or status of land held in the public domain to Texas, Oklahoma, or any private landowner. Any claim that any litigation or agreements over the past 90-plus years have somehow negated Federal ownership of these 30,000 acres simply is not true.

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

Mr. BISHOP of Utah. Mr. Chairman, I yield, once again, such time as he may consume to the gentleman from Texas (Mr. THORNBERRY), the sponsor of this bill, to explain how this actually did take place and what the issue is here.

Mr. THORNBERRY. Mr. Chairman, I appreciate that statement by the gentleman from Massachusetts. I do not disagree with anything she said, and I think I said that a while ago, that there absolutely is a legitimate Federal claim from the middle of the river to the south bank. That has been the case ever since 1803. The gentleman is exactly right in laying that out.

The problem is that the Bureau of Land Management has said now the south bank is as much as a mile to the south of where it is because they refuse to follow the survey method that the Supreme Court mandated. They have done these spot surveys the chairman mentioned.

It is not a question about the middle of the river to the south bank. It is a question of where the south bank is. In some cases, it is a tremendous difference back, and that is where they confiscate the land. It is because their new interpretation of the south bank is far, far away from the river, as I say, as much as a mile. That is the issue. That is the reason the only way to solve this is to have a professional survey define the south bank using the criteria set by the Supreme Court, and then that decides it.

Will there continue to be Federal land between the south bank and the middle of the river? Absolutely. BLM has said they don't know what they are going to do with it because it is a narrow strip of sand. But the key is to define that boundary so we don't take away the livelihood and the homes of the people who have lived and had deeds on the land far beyond the south bank. That is what is at issue here.

Mr. Chairman, I thank the gentleman for yielding.

Ms. TSONGAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just to address an issue that my colleague from Texas has brought up, the BLM is trying to resolve the very difference that he sug-

gests and has instituted a survey and would like to continue that process in order to resolve the very issue that he is raising, but it is an issue that should be retained by the Federal Government through the BLM.

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

Mr. BISHOP of Utah. Mr. Chairman, when you can't do a survey in 6 years, maybe somebody should insist the Federal Government's agencies do it.

I reserve the balance of my time.

Ms. TSONGAS. Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, if I could inquire of the gentleman from Massachusetts how many more speeches she has. There is one person coming down, but I don't know if he will make it. I think, in light of the time, I am ready to close if she is ready to close.

□ 1545

Ms. TSONGAS. Mr. Chairman, I am ready to close and yield myself such time as I may consume.

I want to conclude by acknowledging that I sympathize with the property owners along the Red River. Providing them with certainty and assurance that their property rights are not threatened is a goal that we should all share, and we do.

Unfortunately, this bill will only complicate an already complicated and messy situation. As introduced, it will likely lead to litigation from tribes and tribal members who stand to lose both property and mineral interests.

Furthermore, this bill requires the Secretary of the Interior to disclaim all right, title, and interest in the affected areas and transfer survey authority to the State of Texas. It is unclear how the BLM will be able to work with property owners to clear titles after the United States has already conceded its authority over the land.

Additionally, transferring the Federal Government survey authority to Texas is not a workable solution. It is so implausible, in fact, that the bill has triggered a veto threat from the White House.

If there is really a problem that Congress can solve, providing Texas landowners with the certainty they desire, we should work together to come up with legislation that would earn the President's signature.

We should go back to the drawing board. Until that happens, I urge my colleagues to oppose this bill.

I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

This is one of those situations where this is an issue that has been festering for 6 years now. If the Bureau of Land Management truly wanted to solve this issue, if they truly wanted to make amends, if they truly wanted to give certainty to these people, it could have happened by now. But up the food chain they have refused to do it.

That is why it is incumbent upon us to do the right thing. We are talking about people whose property, whose homes, their future, their livelihoods, are being threatened by a government bureaucracy that simply says they don't care. They would rather have control than solve a problem.

The bill before you actually sets out a way of doing the survey in the right way, the way the Supreme Court said it should be done, doing it the right way the first time and ensuring that everyone will be part of the table. It sets out a process to actually solve this problem in a minimum amount of time. This is the right thing to do. We should go forward with that.

I appreciate those who have spoken on this particular issue because there are people whose lives are being threatened right now because of the uncertainty about what their property rights are and where they will not be, and that is wrong. That is simply wrong.

What has happened to these people is wrong. If we allow it to go forward by our inability of trying to make decisions here, we are wrong, too. It is time to quit hurting people and do things that actually help them.

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

Mr. POE of Texas. Mr. Chair, first off, I would like to thank Congressman THORNBERRY for leading this effort in the House.

It is no surprise that the Bureau of Land Management under this Administration has become greedy.

But their blatant disregard of the law and private property rights is shameful.

One would think the federal government would be satisfied with the 653 million acres of land it currently controls and owns, which is over 27 percent of the total U.S. surface area.

A lot of which goes unused, but apparently that is not enough.

If anything the federal government should be selling land instead of trying to claim more.

The Bureau of Land Management's actions are a cloud on the title of Texas ranches.

Since the 1845 annexation of Texas into the United States, the federal government has owned very little to no property in Texas.

The Red River Private Property Protection Act, if signed into law would settle these absurd claims and clearly define the borders.

It is important that we support and protect Oklahoma and Texas landowners from this Administration's ridiculous attempt at another land grab.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources printed in the bill. The committee amendment in the nature of a substitute shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2130

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 “Red River Private Property Protection Act”.

SEC. 2. DISCLAIMER AND OUTDATED SURVEYS.

(a) **IN GENERAL.**—The Secretary disclaims any right, title, and interest to the land located south of the South Bank boundary line in the affected area.

(b) **CLARIFICATION OF PRIOR SURVEYS.**—Surveys conducted by the Bureau of Land Management before the date of the enactment of this Act shall have no force or effect in determining the South Bank boundary line.

SEC. 3. SURVEY OF SOUTH BANK BOUNDARY LINE.

(a) **SURVEY REQUIRED.**—To identify the South Bank boundary line in the affected area, the Secretary shall commission a survey. The survey shall—

(1) adhere to the gradient boundary survey method;

(2) span the entire length of the affected area;

(3) be conducted by Licensed State Land Surveyors chosen by the Texas General Land Office, in consultation with the Oklahoma Commissioners of the Land Office;

(4) be completed not later than 2 years after the date of the enactment of this Act; and

(5) not be submitted to the Bureau of Land Management for approval.

(b) **APPROVAL OF THE SURVEY.**—After the survey is completed, the Secretary shall submit the survey to be approved by the Texas General Land Office, in consultation with the Oklahoma Commissioners of the Land Office.

(c) **SURVEYS OF INDIVIDUAL PARCELS.**—

(1) **IN GENERAL.**—Parcels surveyed as required by this section shall be surveyed and approved on an individual basis by the Texas General Land Office, in consultation with the Oklahoma Commissioners of the Land Office.

(2) **SURVEYS OF INDIVIDUAL PARCELS NOT SUBMITTED TO THE BUREAU OF LAND MANAGEMENT.**—Surveys of individual parcels shall not be submitted to the Bureau of Land Management for approval.

(d) **NOTICE.**—

(1) **NOTIFICATION TO THE SECRETARY.**—Not later than 30 days after a survey for a parcel is approved by the Texas General Land Office under subsection (c), such office shall provide to the Secretary the following:

(A) Notice of the approval of such survey.

(B) A copy of such survey and field notes relating to such parcel.

(2) **NOTIFICATION TO ADJACENT LANDOWNERS.**—Not later than 30 days after the date on which the Secretary receives notification relating to a parcel under paragraph (1), the Secretary shall provide to landowners adjacent to such parcel the following:

(A) Notice of the approval of such survey.

(B) A copy of such survey and field notes relating to such parcel.

(C) Notice that the landowner may file an appeal under section 4.

(D) Notice that the landowner may apply for a patent under section 5.

(E) Any additional information considered appropriate by the Secretary.

SEC. 4. APPEAL.

Not later than 1 year after the date on which a landowner receives notification under section 3(d)(2), a landowner who claims to hold right, title, or interest in the affected area may appeal the determination of the survey to an administrative law judge of the Department of the Interior.

SEC. 5. RED RIVER SURFACE RIGHTS.

(a) **NOTIFICATION OF APPLICATION PERIOD FOR PATENTS.**—

(1) **IN GENERAL.**—On the date that is 18 months after the date on which the Secretary

receives notification relating to a parcel under section 3(d)(1), the Secretary shall determine whether such parcel is subject to appeal.

(2) **PARCEL NOT SUBJECT TO APPEAL.**—Not later than 30 days after the date on which the Secretary determines a parcel is not subject to appeal, the Secretary shall—

(A) notify landowners adjacent to such parcel that the Secretary shall accept applications for patents for that parcel under subsection (b) for a period of 210 days; and

(B) begin accepting applications for patents for that parcel under subsection (b) for a period of 210 days.

(3) **PARCEL SUBJECT TO APPEAL.**—If the Secretary determines a parcel is subject to appeal, the Secretary shall, not less than once every 6 months, check the status of the appeals relating to such parcel, until the Secretary determines such parcel is not subject to appeal.

(b) **PATENTS FOR LANDS IN THE AFFECTED AREA.**—If the Secretary receives an application for a patent for a parcel of identified Federal lands during the period for applications for such parcel under subsection (a)(2)(B) and determines that the parcel has been held in good faith and in peaceful adverse possession by an applicant, or the ancestors or grantors of such applicant, for more than 20 years under claim (including through a State land grant or deed or color of title), the Secretary may issue a patent for the surface rights to such parcel to the applicant, on the payment of \$1.25 per acre, if the patent includes the following conditions:

(1) All minerals contained in the parcel are reserved to the United States and subject to sale or disposal by the United States under applicable leasing and mineral land laws.

(2) Permittees, lessees, or grantees of the United States have the right to enter the parcel for the purpose of prospecting for and mining deposits.

(c) **PENDING REQUESTS FOR PATENTS.**—The Secretary shall not offer a parcel of identified Federal land for purchase under section 6 if a patent request for that parcel is pending under this section.

SEC. 6. RIGHT OF REFUSAL AND COMPETITIVE SALE.

(a) **RIGHT OF REFUSAL.**—

(1) **OFFERS TO PURCHASE.**—After the expiration of the period for applications under section 5(a)(2)(B), the Secretary shall offer for purchase for a period of 60 days for each right of refusal—

(A) the surface rights to the remaining identified Federal lands located north of the vegetation line of the South Bank to—

(i) the adjacent owner of land located in Oklahoma to the north with the first right of refusal;

(ii) if applicable, the adjacent owner of land located in Texas to the south with the second right of refusal;

(iii) if applicable, the adjacent owner of land located to the east with the third right of refusal; and

(iv) if applicable, the adjacent owner of land located to the west with the fourth right of refusal; and

(B) the surface rights to the remaining identified Federal lands located south of the vegetation line of the South Bank to—

(i) the adjacent owner of land located in Texas to the south with the first right of refusal;

(ii) if applicable, the adjacent owner of land located in Oklahoma to the north with the second right of refusal;

(iii) if applicable, the adjacent owner of land located to the east with the third right of refusal; and

(iv) if applicable, the adjacent owner of land located to the west with the fourth right of refusal.

(2) **REMAINING IDENTIFIED FEDERAL LANDS DEFINED.**—In this subsection, the term “remaining identified Federal lands” means any parcel of identified Federal lands—

(A) not subject to appeal under section 4;

(B) not determined by an administrative law judge of the Department of the Interior or a Federal court to be the property of an adjacent landowner; and

(C) not patented or subject to a pending request for a patent under section 5.

(b) **DISPOSAL BY COMPETITIVE SALE.**—If a parcel offered under subsection (a) is not purchased, the Secretary shall offer the parcel for disposal by competitive sale for not less than fair market value as determined by an appraisal conducted in accordance with nationally recognized appraisal standards, including the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(c) **CONDITIONS OF SALE.**—The sale of a parcel under this section shall be subject to—

(1) the condition that all minerals contained in the parcel are reserved to the United States and subject to sale or disposal by the United States under applicable leasing and mineral land laws;

(2) the condition that permittees, lessees, or grantees of the United States have the right to enter the parcel for the purpose of prospecting for and mining deposits; and

(3) valid existing State, tribal, and local rights.

(d) **REPORT.**—Not later than 5 years after the date on which the survey is approved, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a list of the parcels of identified Federal lands that have not been sold under subsection (b) and a description of the reasons such parcels were not sold.

SEC. 7. RESOURCE MANAGEMENT PLAN.

The Secretary may not treat a parcel of identified Federal lands as Federal land for the purposes of a resource management plan if the treatment of such parcel does not comply with the provisions of this Act.

SEC. 8. CONSTRUCTION.

(a) **LANDS LOCATED NORTH OF THE SOUTH BANK BOUNDARY LINE.**—Nothing in this Act shall be construed to modify the interest of Texas or Oklahoma or sovereignty rights of any federally recognized Indian tribe over lands located to the north of the South Bank boundary line as established by the survey.

(b) **PATENTS UNDER THE COLOR OF TITLE ACT.**—Nothing in this Act shall be construed to modify land patented under the Act of December 22, 1928 (Public Law 70-645; 45 Stat. 1069; 43 U.S.C. 1068; commonly known as the Color of Title Act), before the date of the enactment of this Act.

(c) **RED RIVER BOUNDARY COMPACT.**—Nothing in this Act shall be construed to modify the Red River Boundary Compact as enacted by the States of Texas and Oklahoma and consented to by the United States Congress by Public Law 106-288 (114 Stat. 919).

SEC. 9. DEFINITIONS.

In this Act:

(1) **AFFECTED AREA.**—The term “affected area” means lands along the approximately 116-mile stretch of the Red River from its confluence with the North Fork of the Red River on the west to the 98th meridian on the east between the States of Texas and Oklahoma.

(2) **GRADIENT BOUNDARY SURVEY METHOD.**—The term “gradient boundary survey method” means the measurement technique used to locate the South Bank boundary line under the methodology established in *Oklahoma v. Texas*, 261 U.S. 340 (1923) (recognizing that the boundary line between the States of Texas and Oklahoma along the Red River is subject to change due to erosion and accretion).

(3) **IDENTIFIED FEDERAL LANDS.**—The term “identified Federal lands” means the lands in the affected area from the South Bank boundary line north to the medial line of the Red River as identified pursuant to this Act.

(4) *SECRETARY*.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(5) *SOUTH BANK*.—The term “South Bank” means the water-washed and relatively permanent elevation or acclivity, commonly called a cut bank, along the southerly or right side of the Red River which separates its bed from the adjacent upland, whether valley or hill, and usually serves to confine the waters within the bed and to preserve the course of the river (as specified in the fifth paragraph of *Oklahoma v. Texas*, 261 U.S. 340 (1923)).

(6) *SOUTH BANK BOUNDARY LINE*.—The term “South Bank boundary line” means the boundary between Texas and Oklahoma identified through the gradient boundary survey method (as specified in the sixth and seventh paragraphs of *Oklahoma v. Texas*, 261 U.S. 340 (1923)).

(7) *SURVEY*.—The term “survey” means the survey required by section 3(a).

(8) *VEGETATION LINE*.—The term “vegetation line” means the visually identifiable continuous line of vegetation that is adjacent to the portion of the riverbed kept practically bare of vegetation by the natural flow of the river and is continuous with the vegetation beyond the riverbed.

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 114-375. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF UTAH

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114-375.

Mr. BISHOP of Utah. Mr. Chairman, I have an amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 12, insert “and seek further judicial review” after “appeal”.

Page 5, line 18, strike “Not” and insert the following:

(a) *APPEAL TO ADMINISTRATIVE LAW JUDGE*.—Not

Page 5, after line 23, insert the following:

(b) *FURTHER JUDICIAL REVIEW*.—

(1) *IN GENERAL*.—A landowner who filed an appeal under subsection (a) and is adversely affected by the final decision may, not later than 120 days after the date of the final decision, file a civil action in the United States district court for the district—

(A) in which the person resides; or

(B) in which the affected area is located.

(2) *STANDARD OF REVIEW*.—The district court may review the case de novo and may enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, the decision of the administrative law judge.

Page 6, line 8, insert “or further judicial review” after “appeal”.

Page 6, line 9, insert “OR JUDICIAL REVIEW” after “APPEAL”.

Page 6, line 11, insert “or judicial review” after “appeal”.

Page 6, line 20, insert “OR JUDICIAL REVIEW” after “APPEAL”.

Page 6, line 21, insert “or further judicial review” after “appeal”.

Page 6, line 23, insert “or judicial reviews” after “appeals”.

Page 6, line 25, insert “or further judicial review” after “appeal”.

Page 9, line 14, insert “or further judicial review” after “appeal”.

Page 11, after line 20, insert the following:

(d) *TRIBAL RESERVATIONS*.—Nothing in this Act shall be construed to create or reinstate a tribal reservation or any portion of a tribal reservation.

(e) *TRIBAL MINERAL INTERESTS*.—Nothing in this Act shall be construed to alter the valid rights of the Kiowa, Comanche, and Apache Nations to the mineral interest trust fund created pursuant to the Act of June 12, 1926.

Insert “and each affected federally recognized Indian tribe” after “Oklahoma Commissioners of the Land Office” each place it appears.

The CHAIR. Pursuant to House Resolution 556, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, today I rise in strong support of a brilliantly written manager’s amendment to H.R. 2130.

In short, this bill, introduced by my friend, the chairman of the Armed Services Committee, Mr. THORNBERRY of Texas, prevents the Federal Government from claiming thousands of acres of private land legally owned by American citizens and tribes along the 116-mile stretch of the Red River between Texas and Oklahoma.

My manager’s amendment will do the following: It will ensure that nothing in this bill will create or reinstate a tribal reservation. It ensures that nothing in this bill alters the valid existing mineral rights of the Kiowa, Comanche, and Apache Nations. It allows affected federally recognized Indian tribes to be part of the survey process in addition to the States of Oklahoma and Texas. It allows landowners access to judicial review beyond the Bureau of Land Management’s administrative appeals process.

This manager’s amendment reflects concerns that have been brought to us by Chairman THORNBERRY, by Congressman COLE of Oklahoma, by Oklahoma Governor Fallin, by private landowners, and by the other stakeholders who have an interest in this particular area.

I strongly urge my colleagues to vote in favor of the manager’s amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. COLE

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114-375.

Mr. COLE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 13, strike “landowners” and insert “federally recognized Indian tribes with jurisdiction over lands”.

Page 7, lines 8 and 9, strike “or deed or color of title”.

Page 7, line 11, strike “\$1.25” and insert “fair market value”.

Page 8, after line 7, insert the following (and redesignate the subsequent clauses accordingly):

(i) the federally recognized Indian tribes holding reservation or allotment land on June 5, 1906, with the first right of refusal;

Page 8, line 9, strike “first” and insert “second”.

Page 8, line 13, strike “second” and insert “third”.

Page 8, line 15, strike “third” and insert “fourth”.

Page 8, line 18, strike “fourth” and insert “fifth”.

Page 8, after line 22, insert the following (and redesignate the subsequent clauses accordingly):

(i) the federally recognized Indian tribes holding reservation or allotment land on June 5, 1906, with the first right of refusal;

Page 8, line 24, strike “first” and insert “second”.

Page 9, line 3, strike “second” and insert “third”.

Page 9, line 5, strike “third” and insert “fourth”.

Page 9, line 8, strike “fourth” and insert “fifth”.

Page 11, after line 20, insert the following:

(d) *TRIBAL ALLOTMENTS*.—Nothing in this Act shall be construed to alter the present median line of the Red River as it relates to the surface or mineral interests of tribal allottees north of the present median line.

The CHAIR. Pursuant to House Resolution 556, the gentleman from Oklahoma (Mr. COLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. COLE. Mr. Chairman, I would like to start by noting how much I respect the sincerity and good intentions of my friends from Texas and their desire to settle this issue of landowner-ship along the Red River.

I want to particularly thank Chairman THORNBERRY and Chairman BISHOP, who have been extremely cooperative and helpful in trying to resolve some of these thorny issues.

I do, however, still have serious concerns about the unintended consequences that the suggested message for resolving this issue will most certainly have on Indian tribes in my district, specifically the Kiowa, Comanche, and Apache. All three tribes oppose the bill and support this amendment.

This bill gives Texas and Oklahoma the power to conduct a survey, the goal of which is to ascertain the exact location of the portion of the Red River currently owned by the Bureau of Land Management.

The BLM land would be sold off in a three-step process. The first step provides for adverse possessors to apply for a patent to the BLM land. The second is a sale based on a right-of-first-refusal structure. The third provides for any remaining BLM land to be sold via a competitive sale process. The goal is to remove the Federal control

that the BLM has over a 116-mile stretch of the river and, by the CBO's estimate, of roughly 30,000 acres.

My amendment seeks to accomplish the following:

Ensure that tribes receive fair notice of their right to appeal any survey conducted pursuant to this legislation.

Ensure taxpayers receive full compensation instead of \$1.25 per acre, as proposed, for any Federal land. This would also discourage fraudulent patent applications to BLM land that would hinder the process of disposal.

Ensure tribes will be provided with rights of first refusal to purchase BLM land.

And, finally, explicitly ensure that a survey and/or subsequent purchase does not result in any diminishment or alteration of tribal surface or mineral interests.

Mr. Chairman, the first portion of this amendment is an easy fix. Providing tribal landowners with notice of their right to appeal a survey determination is a fundamental notion of due process. Tribes have been left out of such notice requirements in the bill, as currently drafted.

The second portion of my amendment will help minimize the likelihood the projected litigation will commence. Litigation does nothing but unduly delay the opportunity for tribes to buy back their land at a fair market price. The \$1.25 an acre price the current bill proposes is not the best deal for taxpayers, and Congress should vote to get the best value for BLM land.

To avoid this result, my amendment raises the standard patent applicants must meet for their applications to be approved.

The amendment also alters the right of first refusal structure for landowners to purchase BLM land by competitive sale. Indian tribes that formerly held reservation land in this part of Oklahoma, like the Kiowa, Comanche, and Apache, now have the right of first refusal for any competitive sale of BLM land that takes place pursuant to this legislation.

Finally, my amendment would disallow the survey from moving the medial line of the river north to affect the surface or mineral interests of tribal allottees north of the river in Oklahoma.

I simply cannot support a bill that would negatively impact tribal landowners in Oklahoma whose interests in surface, oil, gas, minerals, and water are critical to economic stability and funding for tribal government programs.

Mr. Chairman, this bill would begin a process of give-and-take in redetermining landownership between Texans, Oklahomans, and Indian tribes. Congress should remain mindful of its trust responsibilities and tread carefully when it comes to what could very well be construed as a taking of the Constitution.

Those in support of the bill will likely argue that tribes stand to benefit

from re-surveying the river, citing that allotments bordering the river will actually expand in certain areas. That is a big gamble to take.

The fact is that neither Texans, Oklahomans, nor tribal members have any indication of whether they stand to gain or lose as a result of the survey method to be used. As a result, they have everything to lose should this bill become law without the amendment.

I urge the support of the Cole amendment to H.R. 2130.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Utah is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Chairman, I have a great deal of respect for Congressman COLE and his efforts. I want to also offer that, as this bill continues to be processed, I will be more than happy to work on these and other issues, as we have in the past on certain issues that are in the manager's amendment.

But I have to oppose this particular amendment. It does certain things that are problematic.

First, the amendment alters the bill's rights of first refusal procedure to give precedence to some above others, whether or not they have a reasonable claim to the land or hold an adjacent allotment. That is the key point right there: is the claim and the allotment adjacent.

The bill, as is already written, already gives the right of first refusal to those landowners who are there as long as they own the adjacent land parcel. That should not be changed.

Secondly, the medial line is an important issue in allocating where the location of the river actually is. If you are going to solve the problem unequivocally to demonstrate the true ownership of the land, this has to be solved. Otherwise, the clouded title to private lands will continue on, as they have been by BLM's action so far.

The Supreme Court has made it very clear that the medial is supposed to change as the movements of the river change. BLM's recent survey ignored the movement of the river, which is causing the very issue that we are facing today.

This amendment would put it back into the failed process. This amendment then runs contrary to what the Supreme Court's decision said is the fair surveying practices that ought to have been done 6 years ago by the BLM in the first place.

Congressman THORNBERRY has worked extensively with Congressman COLE to address some of the concerns—many of the concerns—that are there. I would point out just a few that have been added.

We are preventing the alternation of sovereign right States under the Red River Boundary Compact. We are ensuring the State of Oklahoma and affected tribes are involved in picking surveyors and approving the survey.

We are preventing the creation or reinstatement of the tribal reservation. We are ensuring that the bill does not impact the valid rights of the affected tribes to the mineral interest fund created in 1926.

Overall, the bill, as written and amended with the manager's amendment, proposes a fair solution to the issue at hand, incorporates the ideas and views of those interested in a wide range of the stakeholders.

I urge my colleagues to vote against this amendment.

I reserve the balance of my time.

Mr. COLE. Mr. Chairman, I want to begin by acknowledging what my friend said. I appreciate Mr. THORNBERRY and him working with us. This is a long and complex issue.

I will just say, we don't see the 1923 Supreme Court decision is where it started. We think it goes back to an earlier period where the tribes did not ever agree to give up their reservation land. They want an opportunity to be able to repurchase what they think was taken from them, if it should become available on the market.

I thank my friends again for working with me and look forward to continuing that process.

I yield back the balance of my time.

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Mr. BISHOP of Utah. Mr. Chairman, may I inquire as to how much time I actually have?

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. BISHOP of Utah. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I appreciate the chairman's yielding to me.

I also appreciate the considerable efforts that have gone on not just in the past few weeks and months but all the way back to the last Congress with Congressman COLE, with the Governor's Office of Oklahoma, and with the tribes directly to try to make sure that any concern was addressed.

Mr. Chairman, let me just say one overall point. Actually, the gentleman from Massachusetts made this really clear, which is that in going back to at least 1867 there is no tribal claim that goes south of the median line of the river. As a result, really, the only interests that could be threatened are that narrow strip of sand that the Federal Government does have a rightful claim on or its expansion beyond its rightful claim.

There should be no question of any tribal surface or mineral interest that is impinged by this legislation because they only ever went to the middle of the river. What we are talking about is the south bank of the river, which is what the BLM is now claiming.

I want to address the \$1.25 issue because the bill requires that any land sold to an adjacent landowner or to anybody else be sold at current market value. The only exception is if, for a period of at least 20 years, you have

owned the land, if you have a deed to the land, if you have paid taxes on the land, or if the Federal Government has never made a claim on the land for at least 20 years. In that instance, then you can under color of title procedure purchase the land for \$1.25 an acre if the Bureau of Land Management agrees. It is at their discretion.

The idea is, if this survey happens to find some acreage—and I am not sure it will—that somebody has owned, has a deed to, has paid taxes on, has lived on, or if nobody else has claimed the title to it, then they don't have to buy it twice because they already bought it once. That is the purpose of this. In every other case, you have to pay the full market value for any land.

The last point is that Congressman COLE is very interested in making sure that the tribes are fully participating and know this about the survey, et cetera. I agree. I think the manager's amendment that Chairman BISHOP has just offered ensures that the tribes participate in the survey from the beginning. Of course, they have the right to appeal just like any other landowner would.

Mr. Chairman, I think this is the answer to a problem that needs our intervention because it is wrong to leave these people hanging for another 6 or 10 years without a complete survey that answers the question.

Mr. BISHOP of Utah. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COLE).

The question was taken; and the Chair announced that the noes appeared to have it.

RECORDED VOTE

Mr. COLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 183, not voting 4, as follows:

[Roll No. 684]

AYES—246

Adams	Cartwright	Deutch
Amash	Castor (FL)	Diaz-Balart
Ashford	Castro (TX)	Dingell
Bass	Chu, Judy	Doggett
Beatty	Cicilline	Dold
Becerra	Clark (MA)	Doyle, Michael
Bera	Clay	F.
Beyer	Cleaver	Duckworth
Bilirakis	Clyburn	Duncan (TN)
Bishop (GA)	Cohen	Edwards
Bishop (MI)	Cole	Ellison
Black	Collins (NY)	Engel
Blum	Comstock	Eshoo
Blumenauer	Connolly	Esty
Bonamici	Conyers	Farr
Boyle, Brendan	Cooper	Fattah
F.	Costa	Fitzpatrick
Brady (PA)	Costello (PA)	Fleischmann
Bridenstine	Courtney	Fortenberry
Brown (FL)	Cramer	Foster
Brownley (CA)	Cummings	Frankel (FL)
Bucshon	Curbelo (FL)	Frelinghuysen
Bustos	Davis (CA)	Fudge
Butterfield	DeFazio	Gabbard
Calvert	DeGette	Galleo
Capps	Delaney	Garamendi
Capuano	DeLauro	Graham
Cárdenas	DelBene	Grayson
Carney	Dent	Green, Al
Carson (IN)	DeSaulnier	Green, Gene

Grijalva	Lynch	Ryan (OH)
Guinta	Maloney,	Sánchez, Linda
Gutiérrez	Carolyn	T.
Hahn	Maloney, Sean	Sarbanes
Hanna	Massie	Schakowsky
Harris	Matsui	Schiff
Hastings	McCollum	Schrader
Heck (WA)	McDermott	Schweikert
Higgins	McGovern	Scott (VA)
Himes	McNerney	Scott, David
Hinojosa	McSally	Serrano
Holding	Meehan	Sewell (AL)
Honda	Meeks	Sherman
Hoyer	Meng	Simpson
Huelskamp	Messer	Sinema
Huffman	Mica	Sires
Israel	Miller (MI)	Slaughter
Issa	Moolenaar	Smith (NJ)
Jackson Lee	Moore	Smith (WA)
Jeffries	Moulton	Speier
Jenkins (KS)	Mullin	Stivers
Jenkins (WV)	Murphy (FL)	Swalwell (CA)
Johnson, E. B.	Murphy (PA)	Takai
Jolly	Nadler	Takano
Jones	Napolitano	Thompson (CA)
Kaptur	Neal	Thompson (MS)
Katko	Noem	Tiberi
Keating	Nolan	Norcross
Kelly (IL)	Norcross	O'Rourke
Kennedy	Pallone	Pascarella
Kildee	Pascrell	Payne
Kilmer	Payne	Pelosi
Kind	Kirkpatrick	Perlmutter
Kline	Kline	Peters
Kuster	Lance	Peterson
Lance	Langevin	Pingree
Langevin	Larsen (WA)	Pocan
Larsen (WA)	Larson (CT)	Polis
Larson (CT)	Lawrence	Posey
Lawrence	Lee	Price (NC)
Lee	Levin	Quigley
Levin	Lewis	Rangel
Lewis	Lieu, Ted	Rice (NY)
Lieu, Ted	Lipinski	Richmond
Lipinski	Loebach	Rigell
Loebach	Lofgren	Rogers (KY)
Lofgren	Lowenthal	Rooney (FL)
Lowenthal	Lowe	Rouzer
Lowe	Lucas	Roybal-Allard
Lucas	Lujan Grisham	Ruiz
Lujan Grisham	(NM)	Ruppersberger
(NM)	Lujan, Ben Ray	Rush
Lujan, Ben Ray	(NM)	Russell

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Abraham	Duncan (SC)	Kelly (MS)
Aderholt	Ellmers (NC)	Kelly (PA)
Allen	Emmer (MN)	King (IA)
Amodei	Farenthold	King (NY)
Babin	Fincher	Kinzing (IL)
Barletta	Fleming	Knight
Barr	Flores	Labrador
Barton	Forbes	LaHood
Benishek	Fox	LaMalfa
Bishop (UT)	Franks (AZ)	Lamborn
Blackburn	Garrett	Latta
Bost	Gibbs	LoBiondo
Boustany	Gibson	Long
Brady (TX)	Gohmert	Loudermilk
Brat	Goodlatte	Love
Brooks (AL)	Gosar	Luetkemeyer
Brooks (IN)	Gowdy	Lummis
Buchanan	Granger	MacArthur
Buck	Graves (GA)	Marchant
Burgess	Graves (LA)	Marino
Byrne	Graves (MO)	McCarthy
Carter (GA)	Griffith	McCauley
Carter (TX)	Grothman	McIntock
Chabot	Guthrie	McHenry
Chaffetz	Hardy	McKinley
Clarke (NY)	Harper	McMorris
Clawson (FL)	Hartzer	Rodgers
Coffman	Heck (NV)	Meadows
Collins (GA)	Hensarling	Miller (FL)
Conaway	Herrera Beutler	Mooney (WV)
Cook	Hice, Jody B.	Mulvaney
Crawford	Hill	Neugebauer
Crenshaw	Hudson	Newhouse
Crowley	Huizenga (MI)	Nugent
Cuellar	Hultgren	Nunes
Culberson	Hunter	Olson
Davis, Rodney	Hurd (TX)	Palazzo
Duffy	Hurt (VA)	Palmer
	Johnson (GA)	Paulsen
	Johnson (OH)	Pearce
	Jordan	Perry
	Joyce	Pittenger

Pitts	Royce	Vela
Poe (TX)	Salmon	Wagner
Poliquin	Sanford	Walden
Pompeo	Scalise	Walker
Price, Tom	Scott, Austin	Walorski
Ratcliffe	Sensenbrenner	Walters, Mimi
Reed	Sessions	Weber (TX)
Reichert	Shimkus	Wenstrup
Renacci	Shuster	Westerman
Ribble	Smith (MO)	Westmoreland
Rice (SC)	Smith (NE)	Whitfield
Roby	Smith (TX)	Williams
Roe (TN)	Stefanik	Wilson (SC)
Rogers (AL)	Stewart	Wittman
Rohrabacher	Stutzman	Womack
Rokita	Thompson (PA)	Woodall
Ros-Lehtinen	Thornberry	Young (IN)
Roskam	Tipton	Zeldin
Ross	Trott	
Rothfus	Valadao	

NOT VOTING—4

Aguilar	Johnson, Sam
Davis, Danny	Sanchez, Loretta

□ 1640

Messrs. SHUSTER, MCCARTHY, PRICE of Georgia, BOST, Mses. ROS-LEHTINEN, FOXX, Messrs. LAMALFA, FLORES, MEADOWS, MILLER of Florida, GOSAR, COFFMAN, GRAVES of Louisiana, MARCHANT, CRAWFORD, FINCHER, MCHENRY, WALDEN, MULVANEY, WOODALL, GUTHRIE, DUFFY, YOUNG of Indiana, HECK of Nevada, Ms. CLARKE of New York, Messrs. LUETKEMEYER, DUNCAN of South Carolina, SALMON, Mrs. LUMMIS, Messrs. PERRY, SMITH of Nebraska, TROTT, SENSENBRENNER, WILSON of South Carolina, Ms. HER- RERA BEUTLER, Messrs. CARTER of Georgia, RODNEY DAVIS of Illinois, SMITH of Missouri, Mrs. BLACKBURN, Messrs. BARTON, ROKITA, and ROS- KAM changed their vote from “aye” to “no.”

Mses. HAHN, SPEIER, Mr. CICILLINE, Ms. WASSERMAN SCHULTZ, Messrs. VARGAS, FATTAH, BUTTERFIELD, HINOJOSA, TURNER, Mrs. CAROLYN B. MALO- NEY of New York, Messrs. YODER, GUINTA, CURBELO of Florida, STIV- ERS, FORTENBERRY, DAVID SCOTT of Georgia, ENGEL, and KATKO changed their vote from “no” to “aye.”

The amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. STEWART). The question is on the committee amendment in the nature of a sub- stitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. STEWART, Acting Chair of the Com- mittee of the Whole House on the state of the Union, reported that that Com- mittee, having had under consideration the bill (H.R. 2130) to provide legal cer- tainty to property owners along the Red River in Texas, and for other pur- poses, and, pursuant to House Resolu- tion 556, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is or- dered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Mr. THOMPSON of California. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. THOMPSON of California. I am in its current form.

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

The Clerk read as follows:

Mr. Thompson of California moves to recommit the bill H.R. 2130 to the Committee on Natural Resources with instructions to report the same back to the House forthwith, with the following amendment:

After section 8, add the following (and redesignate the subsequent section accordingly):

SEC. 9. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting the following new section after section 922:

“§ 922A. Attorney General’s discretion to deny transfer of a firearm

“The Attorney General may deny the transfer of a firearm pursuant to section 922(t)(1)(B)(ii) if the Attorney General determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support thereof, and the Attorney General has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.”;

(2) by inserting the following new section after section 922A:

“§ 922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)

“The Attorney General may determine that an applicant for a firearm permit which would qualify for an exemption under section 922(t)(3) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support thereof, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”;

(3) in section 921(a), by adding at the end the following:

“(36) The term ‘terrorism’ means ‘international terrorism’ as defined in section 2331(1), and ‘domestic terrorism’ as defined in section 2331(5).

“(37) The term ‘material support’ means ‘material support or resources’ within the meaning of section 2339A or 2339B.

“(38) The term ‘responsible person’ means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.”.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of such title is amended—

(1) in paragraph (1)(B)(ii), by inserting “or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A” before the semicolon;

(2) in paragraph (2), by inserting after “or State law” the following: “or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A”;

(3) in paragraph (3)(A)(i)—

(A) by striking “and” at the end of subclause (I); and

(B) by adding at the end the following:

“(III) was issued after a check of the system established pursuant to paragraph (1);”;

(4) in paragraph (3)(A)—

(A) by adding “and” at the end of clause (ii); and

(B) by adding after and below the end the following:

“(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B”;

(5) in paragraph (4), by inserting after “or State law,” the following: “or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A”;

(6) in paragraph (5), by inserting after “or State law,” the following: “or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A”;

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED ON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of such title is amended—

(1) by striking “or” at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) has been the subject of a determination by the Attorney General pursuant to section 922A, 922B, 923(d)(1)(H), or 923(e) of this title.”.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of such title is amended—

(1) by striking “or” at the end of paragraph (8);

(2) by striking the comma at the end of paragraph (9) and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) who has received actual notice of the Attorney General’s determination made pursuant to section 922A, 922B, 923(d)(1)(H), or 923(e) of this title.”.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d)(1) of such title is amended—

(1) by striking “Any” and inserting “Except as provided in subparagraph (H), any”;

(2) in subparagraph (F)(iii), by striking “and” at the end;

(3) in subparagraph (G), by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(H) The Attorney General may deny a license application if the Attorney General de-

termines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support thereof, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of such title is amended—

(1) in the 1st sentence—

(A) by inserting after “revoke” the following: “—(1)”; and

(B) by striking the period and inserting a semicolon;

(2) in the 2nd sentence—

(A) by striking “The Attorney General may, after notice and opportunity for hearing, revoke” and insert “(2)”; and

(B) by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(3) any license issued under this section if the Attorney General determines that the holder of the license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support thereof, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”.

(g) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—Section 923(f) of such title is amended—

(1) in the 1st sentence of paragraph (1), by inserting “, except that if the denial or revocation is pursuant to subsection (d)(1)(H) or (e)(3), then any information on which the Attorney General relied for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security” before the period; and

(2) in paragraph (3), by inserting after the 3rd sentence the following: “With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely on, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(h) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of such title is amended by inserting after the 3rd sentence the following: “If receipt of a firearm by the person would violate section 922(g)(10), any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely on, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(i) PENALTIES.—Section 924(k) of such title is amended—

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

(2) in paragraph (3), by striking “, or” and inserting “; or”; and

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

“(4) constitutes an act of terrorism (as defined in section 921(a)(36)), or material support thereof (as defined in section 921(a)(37)); or”.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—Section 925A of such title is amended—

(1) in the section heading, by striking “**Remedy for erroneous denial of firearm**” and inserting “**Remedies**”;

(2) by striking “Any person denied a firearm pursuant to subsection (s) or (t) of section 922” and inserting the following:

“(a) Except as provided in subsection (b), any person denied a firearm pursuant to section 922(t) or pursuant to a determination made under section 922B,”; and

(3) by adding after and below the end the following:

“(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A or has made a determination regarding a firearm permit applicant pursuant to section 922B, an action challenging the determination may be brought against the United States. The petition must be filed not later than 60 days after the petitioner has received actual notice of the Attorney General’s determination made pursuant to section 922A or 922B. The court shall sustain the Attorney General’s determination on a showing by the United States by a preponderance of evidence that the Attorney General’s determination satisfied the requirements of section 922A or 922B. To make this showing, the United States may submit, and the court may rely on, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. On request of the petitioner or the court’s own motion, the court may review the full, undisclosed documents *ex parte* and *in camera*. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General’s determination satisfies the requirements of section 922A or 922B.”.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (Public Law 103-159) is amended—

(1) in subsection (f)—

(A) by inserting after “is ineligible to receive a firearm,” the following: “or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code”; and

(B) by inserting after “the system shall provide such reasons to the individual,” the following: “except for any information the disclosure of which the Attorney General has determined would likely compromise national security”; and

(2) in subsection (g)—

(A) in the 1st sentence, by inserting after “subsection (g) or (n) of section 922 of title 18, United States Code or State law” the following: “or if the Attorney General has made a determination pursuant to section 922A or 922B of such title.”;

(B) by inserting “, except any information the disclosure of which the Attorney General has determined would likely compromise national security” before the period; and

(C) by adding at the end the following: “Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.”.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED ON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of such title is amended—

(1) by striking the period at the end of paragraph (9) and inserting “; or”;

(2) by adding at the end the following:

“(10) has received actual notice of the Attorney General’s determination made pursuant to section 843(b)(8) or (d)(2) of this title.”.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of such title is amended—

(1) by adding “; or” at the end of paragraph (7); and

(2) by inserting after paragraph (7) the following:

“(8) who has received actual notice of the Attorney General’s determination made pursuant to section 843(b)(8) or (d)(2).”.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(b) of such title is amended—

(1) by striking “Upon” and inserting the following: “Except as provided in paragraph (8), on”; and

(2) by inserting after paragraph (7) the following:

“(8) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support thereof, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.”.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of such title is amended—

(1) by inserting “(1)” in the first sentence after “if”; and

(2) by striking the period at the end of the first sentence and inserting the following: “; or (2) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support thereof, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.”.

(p) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of such title is amended—

(1) in the 1st sentence of paragraph (1), by inserting “except that if the denial or revocation is based on a determination under subsection (b)(8) or (d)(2), then any information which the Attorney General relied on for the determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security” before the period; and

(2) in paragraph (2), by adding at the end the following: “In responding to any petition for review of a denial or revocation based on a determination under section 843(b)(8) or (d)(2), the United States may submit, and the court may rely on, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of such title is amended—

(1) in subparagraph (A), by inserting “or section 843(b)(1) (on grounds of terrorism) of this title,” after “section 842(i),”; and

(2) in subparagraph (B)—

(A) by inserting “or section 843(b)(8)” after “section 842(i),”; and

(B) in clause (ii), by inserting “, except that any information that the Attorney General relied on for a determination pursuant to section 843(b)(8) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security” before the semicolon.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking “or (5)” and inserting “(5), or (10)”.

Mr. THOMPSON of California (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I reserve a point of order against the motion.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Mr. THOMPSON of California. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill nor send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

My motion to recommit would incorporate H.R. 1076, a Republican bill titled the Denying Firearms and Explosives to Dangerous Terrorists Act of 2015, into the underlying bill.

□ 1645

The bill is straightforward. It says if you are on the FBI’s terrorist watch list, then you don’t get to walk into a gun store, pass a background check, and leave with a weapon of your choice. It is an outrageous loophole. And we know it allows dangerous people to easily get guns.

Since 2004, more than 2,000 suspected terrorists have legally purchased weapons in the United States. And more than 90 percent of all suspected terrorists who tried to purchase guns in the last 11 years walked away with the weapons they wanted. If there is one thing both sides of this House can agree on, it is keeping guns from terrorists.

I know my colleagues on the other side have expressed some concerns. So let’s address them.

You are worried that there are names on the list that shouldn’t be there. This is a legitimate concern. So let’s scrub the list.

You are worried that it is difficult to get off the list if you are wrongly put on it. This bill has an appeals process.

You are concerned about denying people their Second Amendment rights. Well, I am a gun guy. I own guns. I support the Second Amendment. If this bill did anything to violate those rights, my name wouldn’t be on it.

We are not talking about prohibiting law-abiding, non-dangerous people from getting guns. We are just talking about taking a pause.

I think we can all agree that it is better to err on the side of caution and let people get their names taken off the list, rather than just sell them a gun and hope they are not a terrorist.

So let's scrub the list and make it accurate. Let's make sure the appeals process is functional and efficient. And if someone is on the terrorist list and is denied from buying a gun, let's pump the brakes and make sure they are, in fact, not a terrorist before that sale is allowed to proceed.

Everyone on my side of the aisle stands ready to address your concerns. Will your side do the same? Will you address our concern about terrorists being able to have legal and easy access to guns?

We have a chance to take a simple, straightforward step to keep spouses, kids, and communities safe. We can take this vote today. I have filed a discharge petition on the bill. We just need a simple majority to sign it. You can do it right now.

If House Republicans agree that terrorists shouldn't be able to get guns, then walk down to the well, sign your name on the line, and let's have a vote.

It is your own party's bill. It was supported by George W. Bush's Department of Justice. All it does is prevent suspected terrorists from getting guns—in the exact same way we prevent criminals, domestic abusers, and the dangerously mentally ill from getting guns.

We will work with you to address your concerns. Do the same for us. Work with our side to keep guns from suspected terrorists.

This is an issue we can all come together on. 2,000 suspected terrorists buying guns is 2,000 too many. So let's stop it. Let's take a stand. Put your name down in writing and let's take a vote.

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

Mr. BISHOP of Utah. Mr. Speaker, I claim the time in opposition, and I continue to reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, despite the fact that our colleagues, Mr. MCCLINTOCK and DON YOUNG, were put on this watch list—actually, for DON YOUNG maybe it fits.

POINT OF ORDER

Mr. BISHOP of Utah. I am going to insist on my point of order.

This motion to recommit involves subject matter that is different from the bill. The fundamental purpose of the motion is unrelated to the bill.

I insist on my point of order.

Mr. THOMPSON of California. Mr. Speaker, I would like to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from California may be heard on the point of order.

Mr. THOMPSON of California. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The gentleman from California should understand that the Chair has not ruled on the point of order.

The Chair will now rule.

The gentleman from Utah makes a point of order that the instructions proposed in the motion to recommit offered by the gentleman from California involve a subject matter different from the bill.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment.

The bill addresses the boundary line between Texas and Oklahoma drawn by the Red River. Though the bill touches on a number of aspects of property management, it does so only with respect to a narrow geographic area.

The amendment proposed in the motion to recommit makes a variety of changes to title 18 of the United States Code relating to the sale, possession, licensing, and distribution of firearms and explosives. It has no bearing on the land addressed in the underlying bill.

The Chair finds that the amendment proposed in the motion to recommit goes beyond the subject matter of the underlying bill. It is, therefore, not germane. The point of order is sustained.

Mr. THOMPSON of California. Mr. Speaker, I appeal the ruling of the Chair.

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

MOTION TO TABLE

Mr. BISHOP of Utah. Mr. Speaker, I move to lay the appeal on the table.

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

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

Mr. THOMPSON of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on passage of the bill, if arising without further proceedings in recommitment, and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 246, nays 182, not voting 5, as follows:

[Roll No. 685]

YEAS—246

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishak
Bilirakis
Bishop (MI)

Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan

Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole

Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
DeFazio
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzer
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)

Jenkins (WV)
Johnson (OH)
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCauley
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed

Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—182

Adams
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan
F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy

Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael
F.

Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa

Honda	Maloney, Sean	Sarbanes
Hoyer	Matsui	Schakowsky
Huffman	McCollum	Schiff
Israel	McDermott	Schrader
Jackson Lee	McGovern	Scott (VA)
Jeffries	McNerney	Scott, David
Johnson (GA)	Meeks	Serrano
Johnson, E. B.	Meng	Sewell (AL)
Kaptur	Moore	Sherman
Keating	Moulton	Sinema
Kelly (IL)	Murphy (FL)	Sires
Kennedy	Nadler	Slaughter
Kildee	Napolitano	Smith (WA)
Kilmer	Neal	Speier
Kind	Norcross	Swalwell (CA)
Kirkpatrick	O'Rourke	Takai
Kuster	Pallone	Takano
Langevin	Pascrell	Thompson (CA)
Larsen (WA)	Payne	Thompson (MS)
Larson (CT)	Pelosi	Titus
Lawrence	Perlmutter	Tonko
Lee	Peters	Torres
Levin	Pingree	Tsongas
Lewis	Pocan	Van Hollen
Lieu, Ted	Polis	Vargas
Lipinski	Price (NC)	Veasey
Loeback	Quigley	Vela
Lofgren	Rangel	Velázquez
Lowenthal	Rice (NY)	Visclosky
Lowe	Richmond	Walz
Lujan Grisham	Roybal-Allard	Wasserman
(NM)	Ruiz	Schultz
Lujan, Ben Ray	Ruppersberger	Waters, Maxine
(NM)	Rush	Watson Coleman
Lynch	Ryan (OH)	Welch
Maloney,	Sánchez, Linda	Wilson (FL)
Carolyn	T.	Yarmuth

NOT VOTING—5

Aguilar	Johnson, Sam	Sanchez, Loretta
Davis, Danny	Nolan	

□ 1706

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

(By unanimous consent, Mr. MCCARTHY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. MCCARTHY. Mr. Speaker, I want to remind Members that there will be votes in the House on Friday, which I expect to end by early afternoon.

Having said that, I want to advise the Members that votes are no longer expected in the House this weekend. However, Members should continue to keep their schedules flexible for possible votes in the House on Monday, and I will let Members know more details about that for next week as soon as possible.

Mr. HOYER. Will the gentleman yield?

Mr. MCCARTHY. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, would your expectation be that, if there were votes, no votes would occur prior to 6:30?

Mr. MCCARTHY. Yes. There will be no votes before 6:30, and I will let the gentleman know prior to departing on Friday whether we are in on Monday.

PARLIAMENTARY INQUIRIES

Mr. MCGOVERN. Mr. Speaker, I have a parliamentary inquiry.

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

Mr. MCGOVERN. Mr. Speaker, some of us on the Rules Committee voted to bring up a bill that would prevent terrorists from buying guns, but Repub-

licans on the committee blocked that attempt.

Democrats have tried to close this loophole by defeating the previous question, and Republicans have blocked those attempts.

Can the Speaker tell me how we can get an up-or-down vote on this bill that prevents terrorists from buying guns?

The SPEAKER pro tempore. The Chair will not entertain a parliamentary inquiry that does not relate, in a practical sense, to the present proceedings.

Ms. KELLY of Illinois. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. KELLY of Illinois. Mr. Speaker, am I correct that insisting on the point of order prevents the House from voting on the gentleman from California's motion to recommit?

The SPEAKER pro tempore. The gentlewoman has not stated a proper parliamentary inquiry.

Ms. MCCOLLUM. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. MCCOLLUM. Mr. Speaker, am I correct that the gentleman from California's motion to recommit would close the loophole that currently allows terrorists who are on the no-fly list to buy guns?

The SPEAKER pro tempore. The gentlewoman has not stated a proper parliamentary inquiry.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, is it true that the Republicans have repeatedly blocked legislation that would explicitly prevent terrorists from buying guns?

The SPEAKER pro tempore. The gentlewoman will suspend.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, why can we not get an answer to this question?

The SPEAKER pro tempore. The gentlewoman has not stated a proper parliamentary inquiry.

The Chair is prepared to put the question on passage to a vote of the House.

The question is on the passage of the bill.

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

The SPEAKER pro tempore. Are there any Members wishing to seek a recorded vote or the yeas and nays?

Ms. TSONGAS. 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, this 15-minute vote on passage will be followed by a 5-minute vote on agreeing

to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 253, nays 177, not voting 3, as follows:

[Roll No. 686]

YEAS—253

Abraham	Green, Al	Pearce
Aderholt	Green, Gene	Perry
Allen	Grothman	Peterson
Amodei	Guinta	Pittenger
Ashford	Guthrie	Pitts
Babin	Hanna	Poe (TX)
Barletta	Hardy	Poliquin
Barr	Harper	Pompeo
Barton	Harris	Posey
Benishek	Hartzler	Price, Tom
Bilirakis	Heck (NV)	Ratcliffe
Bishop (MI)	Hensarling	Reed
Bishop (UT)	Hice, Jody B.	Reichert
Black	Hill	Renacci
Blackburn	Holding	Ribble
Blum	Hudson	Rice (SC)
Bost	Huelskamp	Rigell
Boustany	Huizenga (MI)	Roby
Brady (TX)	Hultgren	Roe (TN)
Brat	Hunter	Rogers (AL)
Bridenstine	Hurd (TX)	Rogers (KY)
Brooks (AL)	Hurt (VA)	Rohrabacher
Brooks (IN)	Issa	Rokita
Brown (FL)	Jackson Lee	Rooney (FL)
Buchanan	Jenkins (KS)	Ros-Lehtinen
Buck	Jenkins (WV)	Roskam
Bucshon	Johnson (OH)	Ross
Burgess	Johnson, E. B.	Rothfus
Byrne	Jolly	Rouzer
Calvert	Jones	Royce
Carter (GA)	Jordan	Russell
Carter (TX)	Joyce	Salmon
Castro (TX)	Katko	Sanford
Chabot	Kelly (MS)	Scalise
Chaffetz	Kelly (PA)	Schweikert
Clawson (FL)	King (IA)	Scott, Austin
Coffman	King (NY)	Sensenbrenner
Cole	Kinzinger (IL)	Sessions
Collins (GA)	Kline	Shimkus
Collins (NY)	Knight	Shuster
Comstock	Labrador	Simpson
Conaway	LaHood	Smith (MO)
Cook	LaMalfa	Smith (NE)
Costello (PA)	Lamborn	Smith (NJ)
Cramer	Lance	Smith (TX)
Crawford	Latta	Stefanik
Crenshaw	LoBiondo	Stewart
Cuellar	Long	Stivers
Culberson	Loudermilk	Stutzman
Curbelo (FL)	Love	Thompson (PA)
Davis, Rodney	Lucas	Thornberry
Denham	Luetkemeyer	Tiberi
Dent	Lummis	Tipton
DeSantis	MacArthur	Trott
DesJarlais	Marchant	Turner
Diaz-Balart	Marino	Upton
Doggett	Massie	Valadao
Dold	McCarthy	Veasey
Donovan	McCaul	Vela
Duffy	McClintock	Wagner
Duncan (SC)	McHenry	Walberg
Duncan (TN)	McKinley	Walden
Ellmers (NC)	McMorris	Walker
Emmer (MN)	Rodgers	Walorski
Farenthold	McSally	Walters, Mimi
Fincher	Meadows	Weber (TX)
Fitzpatrick	Meehan	Webster (FL)
Fleischmann	Messer	Welch
Fleming	Mica	Wenstrup
Flores	Miller (FL)	Westerman
Forbes	Miller (MI)	Westmoreland
Fortenberry	Moolenaar	Whitfield
Fox	Mooney (WV)	Williams
Franks (AZ)	Mullin	Wilson (SC)
Frelinghuysen	Mulvaney	Wittman
Garrett	Murphy (PA)	Womack
Gibbs	Neugebauer	Woodall
Gibson	Newhouse	Yoder
Gohmert	Noem	Yoho
Gosar	Nugent	Young (AK)
Gowdy	Nunes	Young (IA)
Granger	Olson	Young (IN)
Graves (GA)	Palazzo	Zeldin
Graves (LA)	Palmer	Zinke
Graves (MO)	Paulsen	

NAYS—177

Adams	Bass	Becerra
Amash	Beatty	Bera

Beyer	Grayson	Nolan
Bishop (GA)	Griffith	Norcross
Blumenauer	Grijalva	O'Rourke
Bonamici	Gutiérrez	Pallone
Boyle, Brendan	Hahn	Pascrell
F.	Hastings	Payne
Brady (PA)	Heck (WA)	Pelosi
Brownley (CA)	Herrera Beutler	Perlmutter
Bustos	Higgins	Peters
Butterfield	Himes	Pingree
Capps	Hinojosa	Pocan
Capuano	Honda	Polis
Cárdenas	Hoyer	Price (NC)
Carney	Huffman	Quigley
Carson (IN)	Israel	Rangel
Cartwright	Jeffries	Rice (NY)
Castor (FL)	Johnson (GA)	Richmond
Chu, Judy	Kaptur	Roybal-Allard
Cicilline	Keating	Ruiz
Clark (MA)	Kelly (IL)	Ruppersberger
Clarke (NY)	Kennedy	Rush
Clay	Kildee	Ryan (OH)
Cleaver	Kilmer	Sánchez, Linda
Clyburn	Kind	T.
Cohen	Kirkpatrick	Sarbanes
Connolly	Kuster	Schakowsky
Conyers	Langevin	Schiff
Cooper	Larsen (WA)	Schrader
Costa	Larson (CT)	Scott (VA)
Courtney	Lawrence	Scott, David
Crowley	Lee	Serrano
Cummings	Levin	Sewell (AL)
Davis (CA)	Lewis	Sherman
Davis, Danny	Lieu, Ted	Sinema
DeFazio	Lipinski	Sires
DeGette	Loeb	Slaughter
Delaney	Lofgren	Smith (WA)
DeLauro	Lowenthal	Speier
DelBene	Lowey	Swalwell (CA)
DeSaulnier	Lujan Grisham	Takai
Deutch	(NM)	Takano
Dingell	Luján, Ben Ray	Thompson (CA)
Doyle, Michael	(NM)	Thompson (MS)
F.	Lynch	Titus
Duckworth	Maloney,	Tonko
Edwards	Carolyn	Torres
Ellison	Maloney, Sean	Tsongas
Engel	Matsui	Van Hollen
Eshoo	McCollum	Vargas
Esty	McDermott	Velázquez
Farr	McGovern	Visclosky
Fattah	McNerney	Walz
Foster	Meeks	Wasserman
Frankel (FL)	Meng	Schultz
Fudge	Moore	Waters, Maxine
Gabbard	Moulton	Watson Coleman
Gallo	Murphy (FL)	Walters (FL)
Garamendi	Nadler	Yarmuth
Goodlatte	Napolitano	
Graham	Neal	

NOT VOTING—3

Aguilar	Johnson, Sam	Sanchez, Loretta
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□ 1731

Mr. WELCH changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. CURBELO of Florida). The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

STOP THE RECKLESS POLICIES OF PRESIDENT OBAMA

(Mr. BABIN asked and was given permission to address the House for 1 minute.)

Mr. BABIN. Mr. Speaker, I urge my colleagues to join me in using the

power of the purse to stop the reckless policies of President Obama that leave the citizens of the United States vulnerable. Americans overwhelmingly support this.

The FBI, DNI, and DHS have testified that they cannot fully screen the thousands of refugees that the President wants to bring in from Syria, Somalia, Iraq, and other regions with high rates of terrorism. Illegal immigrants from Syria, Libya, Somalia, and other hotbeds of terrorism continue to test the openness of our southern border. The loopholes in the screening of immigrants from hotbeds of terrorism are being exploited, and the administration opposes closing them.

This House has one chance, the end of the year appropriations bill, to end these dangerous policies.

This Member of Congress will vote against any bill rushed to the floor that fails to stop these reckless policies.

Let's put aside political correctness, criticism from foreign nationals that leave Americans vulnerable. This is our chance to stop future San Bernardinos, Parisés, Chattanoogaes, Garlands, and Ft. Hood. The lives of these American citizens are worth it. Indeed, they cry out for it.

VICTIMS OF GUN VIOLENCE

(Mr. PETERS asked and was given permission to address the House for 1 minute.)

Mr. PETERS. Mr. Speaker, Marysville, Washington, October 24, 2015:

Andrew Fryberg, 15 years old.
Zoe Galasso, 14.
Gia Soriano, 14.
Shaylee Chucklaski, 14.
Charleston, South Carolina, June 17, 2015:

Susie Jackson, 87 years old.
Daniel Simmons, 74.
Ethel Lance, 70.
Myra Thompson, 59.
Cynthia Hurd, 54.
DePayne Middleton Doctor, 49.
Sharonda Coleman-Singleton, 45.
Clementa Pinckney, 41.
Tywanza Sanders, 26.

Navy Yard, Washington, D.C., September 16, 2013:

John Roger Johnson, 73 years old.
Kathleen Gaarde, 62.
Vishnu Pandit, 61.
Michael Arnold, 59.
Gerald Read, 58.
Martin Bodrog, 54.
Sylvia Frasier, 53.
Richard Michael Ridgell, 52.
Frank Kohler, 51.
Mary Frances DeLorenzo Knight, 51.
Mr. Speaker, my time has expired, but I will be back.

VENEZUELAN ELECTIONS

(Mr. CURBELO of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CURBELO of Florida. Mr. Speaker, this past Sunday, the people of Venezuela took to the polls and, in a loud, clear voice, deposed the Chavista ruling party from the National Assembly.

Polls leading up to the election indicated that a vast majority, 87 percent of Venezuelans, were dissatisfied with the direction that Maduro and his cronies were taking the country.

Maduro's policies have led Venezuela to having the hemisphere's highest inflation rate, causing critical shortages of food and medicine, as well as the collapse of the Venezuelan currency and rampant crime.

The newly elected coalition has pledged to make necessary reforms to get a handle on the economy. It has also promised to pass laws to release the political prisoners that have been unjustly arrested by the Maduro regime.

Sunday's elections were a watershed moment for the Venezuelan people, and it charts a new course for their destiny. However, there is still hard work that needs to be done to ensure a thriving, prosperous, and just Venezuela, at peace with itself and with its people.

I congratulate the Venezuelan people and the Venezuelan community in the United States on this momentous occasion.

FDA, DO YOUR JOB, BUT GET IT RIGHT

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, the Food and Drug Administration has an extremely important job to make certain that our food is safe, but it is often misguided and overreaches in some of its regulations.

The FDA is considering a standard that would severely impact artisan cheese producers. They have proposed a safety standard that seeks to limit the level of nontoxicogenic E. coli found in raw milk cheeses.

The problem is there is absolutely no scientific connection between meeting that standard and improving food and safety. Yet, there is a very practical, burdensome impact on our artisan cheese makers.

It is why the ICMSF, the leading global food safety body, the European Union, and many U.S. food safety experts have argued that monitoring raw milk cheeses for nontoxicogenic E. coli is absolutely unwarranted. In spite of that international consensus, the FDA is forging ahead, and it is going to do real damage to our artisan cheese makers.

Artisan cheese makers already have rigorous protocols in place to ensure safety. That is why I led a bipartisan, bicameral group of colleagues in sending a letter to FDA raising concerns with this standard: FDA, do your job, but get it right.