

groups were not able to maintain the trail, which they had most of the resource to take care of this. So it has been a big problem with the lapse.

Mr. Speaker, it is time to redesignate this trail so it can be enjoyed by countless residents and visitors to New Jersey for many years to come. I urge passage of H.R. 6602. I thank my colleagues for considering this, and I very much appreciate the opportunity to move this bill.

Mr. GRIJALVA. Mr. Speaker, I have no further speakers. I urge a "yes" vote for this legislation.

I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I join Mr. GRIJALVA in asking for the support of this Chamber of this measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill, H.R. 6602.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

Mr. MASSIE. Mr. Speaker, I request the yeas and nays.

The SPEAKER pro tempore. That request is not in order at this time.

POINT OF ORDER

Mr. MASSIE. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. MASSIE. When a quorum is not present, under the rule, the yeas and nays are automatic. Will there be a vote of the yeas and nays?

The SPEAKER pro tempore. When business resumes, pursuant to clause 8 of rule XX, a demand for the yeas and nays will be in order.

STIGLER ACT AMENDMENTS OF 2018

Mr. MCCLINTOCK. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2606) to amend the Act of August 4, 1947 (commonly known as the Stigler Act), with respect to restrictions applicable to Indians of the Five Civilized Tribes of Oklahoma, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

(1) On page 3, line 12, strike [I, as of said date,] and insert: , as of the date of enactment of the Stigler Act Amendments of 2018,

(2) At the end of the bill, add the following:
SEC. 5. RULE OF CONSTRUCTION PROVIDING FOR NO RETROACTIVITY.

Nothing in this Act, or the amendments made by this Act, shall be construed to revise or extend the restricted status of any lands under the Act of August 4, 1947 (61 Stat. 731, chapter 458) that lost restricted status under such Act before the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCCLINTOCK) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

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

I rise today in support of the Senate amendments to H.R. 2606. This bill would amend the 1947 Stigler Act to remove the Indian blood quantum requirement for certain land to be maintained in restricted fee status for any member of the Five Civilized Tribes of Oklahoma.

Under H.R. 2606, restricted fee land currently owned by members of the Five Tribes would remain in restricted status regardless of the blood quantum of the owners.

H.R. 2606 passed the House on September 12, 2018, by voice vote. A clarifying amendment was adopted before being passed by the Senate on December 13, 2018.

I thank the sponsor of the legislation, the gentleman from Oklahoma (Mr. COLE), for his work on this bill.

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

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

Mr. Speaker, H.R. 2606 seeks to amend the 1947 Stigler Act by removing the arbitrary blood quantum levels it established for Indian land ownership. This will ensure that lands currently owned by the citizens of the Five Tribes of Oklahoma will remain in restricted fee status, regardless of their blood quantum levels or that of their heirs.

The House has already passed this measure once, and I am happy to agree to the changes that the Senate made to Mr. COLE's bill.

Upholding the sanctity of a Tribe's land base should be of utmost importance to Congress and the Federal Government as a whole. A tribal land base is not just about tax-exempt status or economic development, both of which are vitally important to tribal commu-

nities. It is also about construction of housing, schools, clinics, and eldercare facilities, things that are extremely vital to the health and the well-being of tribal members.

It is also about recognizing a tribe's historical, cultural, and spiritual connection to the land, land that they called their own until it was forcibly or wrongly taken from them.

We need to ensure that tribal sovereignty and self-governance are more than just talking points. There are real-world decisions that we make that have very real consequences, so it is shameful that a dark chapter in history is now repeating itself. I am referring to the dire situation that is facing the Mashpee Tribe of Massachusetts.

The Mashpee have inhabited present-day Massachusetts and eastern Rhode Island for more than 12,000 years. Their ancestors are the ones who welcomed the Pilgrims who landed at Plymouth Rock, as well as the people who aided these Pilgrims through the hard times of 1621 that we now refer to as our First Thanksgiving.

Like many tribes, the Mashpee were intentionally and systematically rendered landless through various actions by the States and the Federal Government.

□ 1700

They have fought long and hard since that time to reestablish that which was taken from them: their homeland. They fought first for Federal recognition, which they finally received in 2009 after a 30-year struggle. They then fought to establish a homeland for their people, which they finally did in 2015, when Interior approved their application to take 320 acres into trust for the Tribe.

Things were looking optimistic for the Mashpee people. They constructed a government center, which includes a school, courtrooms, and multipurpose rooms, and they established a medical clinic facility. They were planning to embark on economic development opportunities that would help sustain the Tribal people and ensure their prosperity for future generations. Then the rug was cruelly pulled out from beneath them.

In 2017, the Department of Justice, under the Trump administration, inexplicably refused to continue to defend the status of the Tribe's reservation in court.

Then on September 7, 2018, the Department of the Interior issued its first Carciary decision, in which it refused to reaffirm its own authority to confirm the status of the Tribe's reservation. Interior rejected clear evidence that the Mashpee were indeed under Federal jurisdiction, evidence that was accepted as sufficient in prior agency decisions.

This decision is devastating and unprecedented. It would mark the first time since the dark days of the termination era that the United States acts to de-establish an Indian reservation and make a Tribe landless.

On our side of the aisle, we have been sounding the alarm for some time that this would come to pass if we did not address the Carciary issue, and yet the majority has refused to address that issue for almost a decade.

Many other Tribes also face frivolous lawsuits on land that they have had in trust for years, sometimes decades. These attacks on sovereignty eat up valuable Tribal resources and funds, funds that could be instead used on housing, healthcare, economic development, and a myriad of other Tribal needs and concerns.

As a result of this, the Trump administration's decision, the Mashpee and the Tribal government is on the brink of total dissolve. The legal limbo that has been imposed by the decision is forcing the Tribe to have to borrow thousands of dollars every day to keep its government running. This has resulted in devastating cuts to essential services and massive layoffs.

The majority of Tribal members are employed with the Tribe. Due to this, the Tribal unemployment rate has skyrocketed to 49 percent. They have had to essentially dissolve their police force except for one patrol officer; they have laid off all Tribal court staff; they are in the process of shutting down their elder services and addiction treatment programs; and they are having to shut down their language immersion school serving preschool and school-age children. This is completely unacceptable and, sadly, avoidable.

If this were occurring with a State or a local government, my colleagues across the aisle would have already remedied the situation, and we could do just that. We could address this issue head-on by simply reaffirming the trust status of Mashpee land. We could overturn the misguided agency decision and give stability and sovereignty back to the Mashpee people.

This is exactly what many of us on both sides of the aisle have strongly advocated for months; however, the silence from Republican leadership of the House is deafening. Legislation to affirm the Mashpee homeland has existed for months, even before the Interior decision, yet the majority has refused to move it.

Inaction is complacency, and the inaction of this body sets a dangerous precedent moving forward for other Tribes that are having their sovereignty challenged.

Many of us have worked diligently over the years to right the wrongs of the past and rightfully return land back to Tribes. Mr. Speaker, I implore our Republican majority to work with us now to ensure Mashpee culture and its way of life survives.

Congress must affirm its Federal trust responsibility and ensure Tribal sovereignty remains intact. We must not idly stand by as Tribal people are on the losing end of another heinous wrongdoing—not on this watch.

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

Mr. McCLINTOCK. Mr. Speaker, I want to congratulate the gentleman from Arizona on an inspiring and eloquent speech on a subject that has nothing to do with the bill at hand.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. COLE), the author of this measure.

Mr. COLE. Mr. Speaker, I want to thank the gentleman for yielding, and I certainly want to thank him and Chairman BISHOP for their assistance through this whole process.

Mr. Speaker, I rise in support of H.R. 2606, the Stigler Act Amendments of 2018, and on the Senate amendments to that legislation.

I also speak on behalf of the citizens of the Cherokee Nation, the Chickasaw Nation, the Choctaw Nation of Oklahoma, the Muscogee (Creek) Nation, and the Seminole Nation of Oklahoma, commonly known as the Five Civilized Tribes. This bill only addresses and affects those Tribes and lands of their citizens within the State of Oklahoma. The passage of this legislation is critical to maintaining the inherited land of our Native citizens' ancestors.

This legislation seeks to amend the original Stigler Act of 1947 and remove the one-half degree requirement of Native American blood.

The original Stigler Act provides that, upon probate, if the heirs or devisees of an original allottee from the Five Tribes have passed out of one-half degree of Native blood, the allotment loses its restricted fee status.

This bill ends that practice. It provides the opportunity for the heirs and devisees to take title to the land and allow the parcel to maintain its restricted status.

This legislation will also create parity in Federal law in the treatment of Native American-allotted land by removing minimum blood degree requirements. Currently, these minimum requirements apply only to the citizens of the Five Tribes.

The House has already passed this legislation this Congress by voice vote, and it was passed in the Senate with an amendment by unanimous consent. The Senate amendment provides clarifying technical language, which I fully support.

Mr. Speaker, I encourage my colleagues to once again support and pass H.R. 2606 to remove this outdated and discriminatory law and to preserve what Native-held land is left in Oklahoma's Indian Country.

Mr. Speaker, I want to again thank the chairman for his help in this matter. It partially rights an historic wrong.

Mr. GRIJALVA. Mr. Speaker, I yield as much time as he may consume to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Arizona (Mr. GRIJALVA), my good friend, for yielding time and for his leadership on this and so many other important issues.

Mr. Speaker, I have no concerns with the underlying bill before us today, and I thank the gentleman from Oklahoma (Mr. COLE), whom I have the great honor to serve with on the House Rules Committee, for his efforts on this bill.

However, I am very concerned—and I can't stress that enough, very concerned and disappointed—that this majority has refused to allow an important bipartisan bill affecting a Tribe in my home State of Massachusetts from coming to the floor today.

Mr. Speaker, I want to express my appreciation for all the hard work my fellow Massachusetts delegation members JOE KENNEDY and BILL KEATING have done to advance that bill.

The Federal Government formally recognized the Mashpee Wampanoag in 2010. In 2015, the previous administration agreed to hold several hundred acres of land in trust. Yet, despite these actions, the status of the Native American Tribe that greeted the Pilgrims landing on Plymouth Rock nearly 400 years ago is in question.

In September, the Department of the Interior unjustly reversed its prior decision to hold the Mashpee land in trust.

The review of the Department's prior decision came due to a quirk in a 1934 Federal law, but that minor quirk could have major implications for this Tribal community. Schools could be shuttered, healthcare access could be restricted, and its economic sovereignty could be limited.

H.R. 5244, the Mashpee Wampanoag Tribe Reservation Reaffirmation Act, was introduced by my good friend BILL KEATING. This bill would reaffirm the Mashpee land as being held in trust in Massachusetts, effectively overturning this unjust decision by the Department of the Interior.

Mr. Speaker, Congress has acted time and again to correct unjust actions taken by our government with respect to Native American Tribes across the country. We must do so again to protect the Mashpee Wampanoag Tribe, and I urge my colleagues to bring this legislation that will do just that to the House floor for a vote as soon as possible.

Now, if that doesn't happen in the remaining hours of this Congress, I will look forward to working with the distinguished incoming chair of the Natural Resources Committee to make this bill a reality. This is the right thing to do, and, quite frankly, it is just inexcusable that this House hasn't moved this issue forward.

Mr. Speaker, I thank the gentleman for yielding the time.

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

Mr. McCLINTOCK. Mr. Speaker, I have no doubt the issues raised by the gentleman will be addressed in the future. In the meantime, this bill addresses an important matter to the Five Civilized Tribes of Oklahoma, and I would ask for its adoption.

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

The SPEAKER pro tempore (Mr. POE of Texas). The question is on the motion offered by the gentleman from California (Mr. McCLINTOCK) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2606.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

POINT OF ORDER

Mr. MASSIE. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. MASSIE. Mr. Speaker, when a quorum is not present and that is noted by a Member, under the rules, the yeas and nays are automatic. Is that correct?

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, when proceedings resume on this question, a demand for the yeas and nays will be in order.

Mr. MASSIE. All right. Thank you, Mr. Speaker.

CONVEYING CERTAIN FACILITIES, EASEMENTS, AND RIGHTS-OF-WAY TO KENNEWICK IRRIGATION DISTRICT

Mr. McCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6652) to direct the Secretary of the Interior to convey certain facilities, easements, and rights-of-way to the Kennewick Irrigation District, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6652

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

SECTION 1. DEFINITIONS.

In this Act:

(1) **AGREEMENT.**—The term “Agreement” means the agreement required under section 2(a).

(2) **DISTRICT.**—The term “District” means the Kennewick Irrigation District, located in Benton County, Washington, which operates and maintains a portion of the Kennewick Division of the Yakima Project constructed by the United States to enable the Kennewick Irrigation District to carry out authorized purposes pursuant to the Act of June 12, 1948 (62 Stat. 382).

(3) **DISTRICT’S HEAD GATE.**—The term “District’s head gate” means the point of diversion for the Kennewick Irrigation District, identified as the KID Main Canal Headworks at the following location: KID Main Canal Headworks, 200 feet east and 1100 feet north, more or less,

from the southwest corner of section 16, being within the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of section 16, T. 9 N., 26 E.W.M.

(4) **DIVISION.**—The term “Division” means the Kennewick Division, including the Transferred Works.

(5) **TRANSFERRED WORKS.**—The term “Transferred Works” means the canals, laterals, and appurtenant works and lands, which begin at the District’s head gate and extends approximately 40 miles east to the Columbia River built to serve the place of use of the 20,201 acres of currently irrigated lands entitled to delivery of water within the Kennewick Irrigation District.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 2. AGREEMENT, CONVEYANCE, REPORT.

(a) **AGREEMENT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary, acting through the Bureau of Reclamation, shall enter into an agreement with the District to determine the legal, institutional, and financial terms related to the conveyance of the Transferred Works. The Agreement shall be completed after the requirements in section 5(a) are satisfied. This Agreement shall be in accordance with and subject to Memorandum of Agreement No: R18MAI3703 between the District and the Bureau of Reclamation.

(b) **CONVEYANCE.**—Subject to valid leases, permits, rights-of-way, easements, and other existing rights and in accordance the terms and conditions set forth in the Agreement and this Act, the Secretary shall convey to the District all right, title, and interest of the United States in and to the Transferred Works.

(c) **REPORT.**—If the conveyance authorized by subsection (b) is not completed within 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report that—

- (1) describes the status of the conveyance;
- (2) describes any obstacles to completing the conveyance; and
- (3) specifies an anticipated date for completion of the conveyance.

SEC. 3. LIABILITY.

(a) **DAMAGES.**—Except as otherwise provided by law and for damages caused by acts of negligence committed by the United States or by its employees or agents, effective upon the date of the conveyance authorized by section 2, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the Transferred Works.

(b) **TORTS CLAIMS.**—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the “Federal Tort Claims Act”).

SEC. 4. BENEFITS.

(a) **STATUS OF LAND.**—After conveyance of the Transferred Works under this Act, the Transferred Works shall not be considered to be a part of a Federal reclamation project.

(b) **BENEFITS IF ENTIRE DIVISION CONVEYED.**—If the entire Division is conveyed out of Federal ownership, the District shall not be eligible to receive any benefits, including project power, with respect to the conveyed Division, except benefits that would be available to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

SEC. 5. COMPLIANCE WITH OTHER LAWS.

(a) **COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.**—Before making the conveyance authorized by this Act, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), subtitle III of title 54, United States Code, and all other applicable laws.

(b) **COMPLIANCE BY THE DISTRICT.**—After conveyance of the Transferred Works under this

Act, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the Transferred Works.

(c) **APPLICABLE AUTHORITY.**—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.), and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

SEC. 6. PAYMENT.

(a) **ADMINISTRATIVE COSTS.**—Except as provided in subsection (b), administrative costs for conveyance of the Transferred Works under this Act shall be paid in equal shares by the Secretary and the District.

(b) **REAL ESTATE TRANSFER COST.**—Costs of all boundary surveys, title searches, cadastral surveys, appraisals, and other real estate transactions required for the conveyance of the Transferred Works shall be paid by the District.

(c) **COSTS OF COMPLIANCE WITH OTHER LAWS.**—Costs associated with any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), subtitle III of title 54, United States Code, and all other applicable laws for conveyance of the Transferred Works shall be paid in equal shares by the Secretary and the District.

SEC. 7. MISCELLANEOUS.

(a) **APPLICABILITY OF OTHER LAW.**—Section 1212 of Public Law 103-434 shall apply to and be incorporated into this Act.

(b) **STATUTORY CONSTRUCTION.**—Nothing in this Act shall or shall be construed for any purpose—

(1) to transfer, affect, reduce, modify, or impair the water rights of any person;

(2) to affect, reduce, modify, or impair the United States’ authority to regulate and manage water in the Yakima Basin, including water diverted into the Chandler Power Canal and Prosser Dam through and including the Kennewick Irrigation District’s head gate;

(3) to change how water is diverted at Prosser Dam and delivered to the Kennewick Irrigation District through the Chandler pumps through the District’s head gate; and

(4) to affect reduce, modify, or impair the United States’ control, management, and ownership of the “Reserved works” as defined in the United States Bureau of Reclamation and Kennewick Irrigation District Amendmentary Repayment Contract (1953) (Contract No. 14-06-W-56) as amended, at pp. 2-3, which Reserved works include but are not limited to Prosser Dam, the Chandler Power Canal and hydroelectric and pumping plant, all Yakima Project facilities, and the siphon under the Yakima River to the District’s head gate.

SEC. 8. LIMITATIONS.

After completing the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary of the Interior shall convey title, if the Secretary affirms in writing to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources that the following criteria have been met:

(1) The Kennewick Irrigation District agrees to accept title to the property proposed for transfer.

(2) The proposed title transfer will not have an unmitigated negative effect on the environment.

(3) The transfer is consistent with the Secretary’s responsibility to protect land and water resources held in trust for federally recognized Indian Tribes.

(4) The transfer is consistent with the Secretary’s responsibility to ensure compliance with international treaties and interstate compacts.

(5) The Kennewick Irrigation District agrees to provide, as consideration for the assets to be conveyed, compensation to the United States worth the equivalent of the present value of any repayment obligation to the United States or