Meeks	Raskin	Stanton
Meng	Rice (NY)	Stevens
Moore	Richmond	Suozzi
Morelle	Rose (NY)	Takano
Moulton	Rouda	Thompson (CA)
Mucarsel-Powell	Roybal-Allard	Thompson (MS)
Murphy	Ruiz	Titus
Nadler	Ruppersberger	Tlaib
Napolitano	Rush	Tonko
Neal	Sánchez	Torres (CA)
Neguse	Sarbanes	Torres Small (NM)
Norcross	Scanlon	Trahan
O'Halleran	Schakowsky	Trone
Ocasio-Cortez	Schiff	Underwood
Omar	Schneider	Van Drew
Pallone	Schrader	Vargas
Panetta	Schrier	Veasey
Pappas	Scott (VA)	Vela
Pascrell	Scott, David	Velázquez
Payne	Serrano	Visclosky
Perlmutter	Sewell (AL)	Wasserman Schultz
Peters	Shalala	Waters
Peterson	Sherman	Watson Coleman
Phillips	Sherrill	Welch
Pingree	Sires	Wexton
Pocan	Slotkin	Wild
Porter	Smith (WA)	Wilson (FL)
Pressley	Soto	Yarmuth
Price (NC)	Spanberger	
Quigley	Speier	

NAYS—188

Allen	Gosar	Norman
Amash	Granger	Nunes
Amodei	Graves (GA)	Olson
Armstrong	Graves (LA)	Palazzo
Arrington	Graves (MO)	Palmer
Babin	Green (TN)	Perry
Bacon	Griffith	Posey
Baird	Grothman	Ratcliffe
Balderson	Guest	Reed
Banks	Guthrie	Reschenthaler
Barr	Hagedorn	Rice (SC)
Bergman	Harris	Riggleman
Biggs	Hartzler	Rodgers (WA)
Bilirakis	Hern, Kevin	Roe, David P.
Bishop (UT)	Herrera Beutler	Rogers (AL)
Bost	Hice (GA)	Rogers (KY)
Brady	Hill (AR)	Rooney (FL)
Brooks (AL)	Holding	Rose, John W.
Buchanan	Hollingsworth	Rouzer
Buck	Hudson	Roy
Bucshon	Huizenga	Rutherford
Budd	Hunter	Scalise
Burchett	Hurd (TX)	Schweikert
Burgess	Johnson (OH)	Scott, Austin
Byrne	Johnson (SD)	Sensenbrenner
Calvert	Jordan	Shimkus
Carter (GA)	Joyce (OH)	Simpson
Carter (TX)	Joyce (PA)	Smith (MO)
Chabot	Katko	Smith (NE)
Cheney	Kelly (MS)	Smith (NJ)
Cline	Kelly (PA)	Smucker
Cloud	King (IA)	Spano
Cole	King (NY)	Stauber
Collins (GA)	Kinzinger	Stefanik
Collins (NY)	Kustoff (TN)	Steil
Comer	LaHood	Steube
Conaway	LaMalfa	Stewart
Cook	Lamborn	Stivers
Crawford	Langevin	Taylor
Crenshaw	Latta	Thornberry
Curtis	Lesko	Timmons
Davidson (OH)	Long	Tipton
DesJarlais	Loudermilk	Turner
Diaz-Balart	Lucas	Upton
Duffy	Luetkemeyer	Wagner
Duncan	Marchant	Walberg
Dunn	Marshall	Walden
Emmer	Massie	Walorski
Estes	Mast	Waltz
Ferguson	McAdams	Watkins
Fitzpatrick	McCarthy	Webster (FL)
Fleischmann	McCaul	Wenstrup
Flores	McClintock	Westerman
Fortenberry	McHenry	Williams
Foxx (NC)	McKinley	Wilson (SC)
Fulcher	Meadows	Wittman
Gaetz	Meuser	Womack
Gallagher	Miller	Woodall
Gianforte	Mitchell	Wright
Gibbs	Moolenaar	Yoho
Gohmert	Mooney (WV)	Young
Gonzalez (OH)	Mullin	Zeldin
Gooden	Newhouse	

NOT VOTING—14

Abraham	Brooks (IN)	Davis, Rodney
Aderholt	Cummings	Higgins (LA)
Johnson (LA)	Ryan	Walker
Pence	Swalwell (CA)	Weber (TX)
Roby	Thompson (PA)	

□ 1350

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 2740, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2020

Ms. DELAURO, from the Committee on Appropriations, submitted a privileged report (Rept. No. 116–62) on the bill (H.R. 2740) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2020, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REQUEST TO CONSIDER H.R. 962, BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT

Mr. BURGESS. Madam Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 962, the Born-Alive Abortion Survivors Protection Act, and ask for its immediate consideration in the House.

The SPEAKER pro tempore. Under guidelines consistently issued by successive Speakers, as recorded in section 956 of the House Rules and Manual, the Chair is constrained not to entertain the request unless it has been cleared by the bipartisan floor and committee leaderships.

Mr. BURGESS. Madam Speaker, lives are literally hanging in the balance. I urge the Speaker to immediately schedule this important bill.

The SPEAKER pro tempore. The gentleman has not been recognized for debate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

REAFFIRMING AUTHORITY OF SECRETARY OF INTERIOR TO TAKE LAND INTO TRUST FOR INDIAN TRIBES

Mr. GRIJALVA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 375) to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian Tribes, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 375

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

SECTION 1. AUTHORITY REAFFIRMED.

(a) REAFFIRMATION.—Section 19 of the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act''; 25 U.S.C. 5129), is amended—

(1) in the first sentence—

(A) by striking ''The term'' and inserting ''Effective beginning on June 18, 1934, the term''; and

(B) by striking ''any recognized Indian tribe now under Federal jurisdiction'' and inserting ''any federally recognized Indian Tribe''; and

(2) by striking the third sentence and inserting the following: ''In said sections, the term 'Indian tribe' means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act''; 25 U.S.C. 5129), on the date of the enactment of that Act.

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

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, 10 years ago, the Supreme Court handed down what is known as the Carcieri decision. In that decision, the Court determined that trust land acquisition under the Indian Reorganization Act of 1934 only applies to Tribes that were under Federal jurisdiction in 1934.

Mr. Speaker, up until 2009, the Department of the Interior, under both Republican and Democratic administrations, had consistently construed that the IRA authorizes the placement of land into trust for any Tribe so long as the Tribe is federally recognized at the time of the trust application.

The decision overturned 75 years of agency practice, both Democratic and Republican administrations, and created a two-tiered system for trust land acquisition. This also opened up the Tribes to frivolous lawsuits on land

that they had held in trust for years, sometimes decades.

While this has been great for lawyers and their firms, it is detrimental to the health of a Tribe. The money to defend these lawsuits could, instead, be used to provide and improve the lives of their members.

We have had to pass standalone bills for individual Tribes on a piecemeal basis to protect their lands, and we should, since these Tribal lands are under direct assault right now. We must also address this going forward so that other Tribes do not find themselves in the same dire straits.

Passage of H.R. 375 will restore clarity and stability for all federally recognized Tribes by ensuring they are all treated equally, regardless of date of recognition.

Let's not forget history and the decimation of Tribes and their homeland by the hand of the Federal Government. It has taken almost a century for us to even attempt to undo the damage we inflicted upon the indigenous peoples of this Nation.

This work is not complete. We are still federally acknowledging Tribes to this day. We are still striving to return merely a portion of the land back to Tribes. To say that Tribes that were recognized after 1934 are somehow inferior to Tribes that were recognized by 1934 is dangerously ignorant of history.

H.R. 375, introduced by Representative COLE of Oklahoma, is short, simple, and to the point. It will amend the IRA to ensure that all federally recognized Tribes are treated equally, regardless of their date of recognition.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. COLE), the sponsor of this bill.

Mr. COLE. Mr. Speaker, I thank my friend, the distinguished ranking member, for yielding time.

I want to thank both my friends, the chairman and the ranking member, for their help in bringing this legislation to the floor. It could not have happened without both of their assistance.

Mr. Speaker, I rise today in support of H.R. 375, legislation that would amend the Indian Reorganization Act of 1934 and reaffirm the authority of the Secretary of the Interior to take land into trust for Indian Tribes.

Between the passage of the Dawes Act in 1887 and the passage of the Indian Reorganization Act in 1934, the Indian landmass in the United States shrank by 86 million acres.

□ 1400

Since the enactment of the Indian Reorganization Act, the Department of the Interior has taken back approximately 9 million acres of land into trust status. Tribes have used their trust lands to build community facilities such as schools, health centers, and housing that serve their Tribal members. This land is also used for Tribal enterprises and promotes economic development in communities that are often underserved and poverty-stricken.

In 2009, the Supreme Court of the United States overturned long-existing precedent in its decision on the Carcieri v. Salazar case. The Supreme Court ruled specifically that the Secretary's authority to hold land in trust under the Indian Reorganization Act was limited only to recognized Tribes ''now under Federal jurisdiction,'' with the word ''now'' meaning June 18, 1934, the date of the enactment of the Indian Reorganization Act.

Previously, lower courts have viewed the word ''now'' as the instant when the Secretary invoked trust acquisition authority. However, the Supreme Court reversed the lower court ruling on the interpretation that the term ''now under Federal jurisdiction'' in section 19 of the Indian Reorganization Act was to be interpreted. It found that the phrase refers only to those Tribes that were under Federal jurisdiction of the United States when the Indian Reorganization Act was enacted in 1934.

As a result of the Carcieri decision, the Secretary of the Interior may no longer use the Indian Reorganization Act to acquire trust land for any post-1934 Tribe without specific authorization from Congress. Because the Secretary has acquired lands in trust for dozens of Tribes recognized after 1934, the Carcieri ruling calls into question the validity of the trust status of such lands and jeopardizes their immunity from State and local taxation and regulatory jurisdiction.

Many Tribes have been forced into court to defend the status of their trust land, costing them millions of dollars and compromising their investments and jurisdiction.

H.R. 375 would amend the Indian Reorganization Act and clarify the language the Supreme Court ruled against by striking ''the term,'' which I have previously referenced, and inserting the words ''effective beginning on June 18, 1934, the term.'' It would also amend the statute language from ''any recognized Indian Tribe now under Federal jurisdiction'' to ''any federally recognized Indian Tribe.''

The modest changes clarify that the Secretary does have authority to take land into trust for any Tribe that the Federal Government has recognized.

As a member of the Chickasaw Nation and co-chair of the Native American Caucus, I commend the Natural Resources Committee for favorably marking up this legislation and this body for moving forward with the passage of this bill.

Mr. Speaker, I urge my colleagues to vote ''yes'' on H.R. 375.

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

Mr. BISHOP of Utah. Mr. Speaker, may I inquire, first of all, if the gentleman from Arizona has any speakers. I do have several.

Mr. GRIJALVA. Mr. Speaker, we have one speaker.

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

Mr. Speaker, I appreciate this opportunity to be here. I also appreciate Mr. COLE for his work on this particular issue and the time he has put in over the last decade in trying to find a Carcieri fix.

That 2009 Supreme Court made the decision, but it actually opened up more questions than it provided solutions and answers in the process.

In the years since that decision, the Democrats, when they controlled the House, the Senate, and the White House, did not find a solution. Republicans, when we were in the same situation, didn't find a solution either, probably because there is even a bigger question than what was decided in this particular case. That bigger question is one that is extremely complex and grave, and it indicates the complexity of this particular issue.

Lands taken into trust by Tribes definitely have a benefit and an advantage to the Tribe, but it also has an impact on the counties and local governments where this trust issue is taking place.

Let's be clear that, prior to Carcieri, the fee-to-trust process was broken and fraught with conflicts. In fact, many will still argue that even today, the current Bureau of Indian Affairs process provides very limited incentives for any community or stakeholder to be partners in this process. As a result, we are often left with conflict and political turmoil and accusations and recriminations on the local level.

Some areas of local government, especially the California State Association of Counties, have been repeatedly asking us to try to come up with a reform to the overall process because the process impacts taxes and zoning in communities where these trust lands are acquired.

Local governments, States, and stakeholders who have some kind of role to play in this area, should they have a seat at the table? Should they be consulted? Should they have some kind of input? Yes, obviously.

Should they have a veto in the process? I don't think so.

Where we draw that line to ensure that there is consultation, so you ensure that people have a voice in the process, that is the underlying question. That is the complex question.

During markup of this bill, Mr. HUFFMAN from California and Mr. GOSAR from Arizona entered into a colloquy. They actually had a discussion, one of the few times a committee did what a committee is supposed to do, talking about the need to come up with some kind of variance to this underlying issue that is not necessarily the crux of the 2009 decision. But how do we come up with this process?

If this bill is going to go all the way to the Senate and ultimately become law, we need some help in finding a solution to the bigger issue of how much

consultation should take place and who should have their voices heard in the overall process, a process that does not happen right now.

There is a pathway to solve these problems. We can address Carcieri or we can move forward to prevent future litigation that has plagued the land-in-trust process. The Tribes and every stakeholder in this process deserve as much.

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

Mr. GRIJALVA. Mr. Speaker, I yield as much time as he may consume to the gentleman from Arizona (Mr. GALLEGO), my colleague and chair of the Subcommittee for Indigenous Peoples of the United States.

Mr. GALLEGO. Mr. Speaker, I rise today in support of H.R. 375 introduced by my friend Representative COLE from Oklahoma.

H.R. 375 is a simple, straightforward fix to a problem that has caused chaos and uncertainty in Indian Country for a decade.

Ten years ago, the Supreme Court handed down what is now known as the Carcieri decision. In that decision, the Court determined that eligibility for trust land acquisition under the Indian Reorganization Act of 1934 only applies to Tribes that were federally recognized as of 1934.

The acquisition of trust land for the benefit of Indian Tribes is absolutely essential to Tribal self-determination, economic development, and protection of Tribal homelands. The Carcieri decision created an unfair, impractical, two-tiered system for Tribes that wanted to engage in this essential function of Tribal sovereignty.

H.R. 375 simply amends the IRA to ensure that all federally recognized Tribes are treated equally, regardless of the date of recognition.

The Carcieri decision and its consequences harken back to the Federal Government's shameful history of oppression in Native communities. The decimation of Tribes and their homeland by the Federal Government is well documented. For centuries, we ignored their treaties and systematically stripped them of their land. It has taken almost a century for us to even begin to undo the damage we have inflicted on indigenous peoples.

Mr. Speaker, that work is nowhere near done. To this day, we are still federally recognizing tribes that the government tried to destroy. We are still striving to return merely a small portion of ancestral land back to Tribes so they can have homelands to call their own.

In order to continue to undo the harm we have done, we must end this system of haves and have-nots for trust land acquisition. We must level the playing field and alleviate the catastrophic consequences this decision has had in Indian Country.

We must pass H.R. 375, the clean Carcieri fix. If we do not, this administration will continue to strip trust land from Tribes like the Mashpee Wampanoag Tribe, which is the subject of another bill on the floor today. Tribes will continue to suffer needlessly, once again at the hands of the Federal Government.

Indian Country has been clamoring for this clean, simple fix for a decade, and we cannot make them wait any longer.

Mr. Speaker, I urge all my colleagues to support this bill.

Mr. BISHOP of Utah. Mr. Speaker, I yield 6 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Speaker, I thank Ranking Member BISHOP for yielding.

Mr. Speaker, I rise today in strong opposition to the current form of H.R. 375.

In 1988, Congress enacted the Indian Gaming Regulatory Act, or IGRA, with the intent to restrict casinos to Tribes' original reservations. H.R. 375 reverses a major 2009 Supreme Court decision, and the bill would lead to future abuses of IGRA.

The bill gives unelected bureaucrats a blank check to take any land in trust without respect for impacted communities, including other Tribes. More importantly, H.R. 375 allows reservation shopping and for lands to be taken into trust for off-reservation casinos in places where States, local governments, and other Tribes oppose such action.

H.R. 375 will result in a flood of new off-reservation casinos that cause harm to States and local communities. Many of these casino locations that are nowhere near Tribes' historic reservations will be handpicked by gambling investors and Washington bureaucrats.

If H.R. 375 passes, all Tribes would have to do in order to get land taken into trust and open off-reservation casinos is to show that they are federally recognized by the Department of the Interior.

In the Natural Resources Committee markup of this bill, the gentleman from the Second District of California, Mr. HUFFMAN, and I engaged in a productive debate on this bill. We both agreed to try to find common ground on which to respond to my concerns about off-reservation casino abuse and the valid concerns brought to the committee by State and county governments. Bringing H.R. 375 up via suspension this week and not allowing any amendments prohibits us from making good on that agreement.

H.R. 375 should have been amended prior to being brought to the floor to address these bipartisan concerns.

Taking land into trust divests the affected State and local governments of jurisdiction. When land is taken into trust, for example, the Tribe will not pay any applicable taxes on the land, but the county or city in which the land is located might nonetheless be required to supply the Tribe with county and city services, and non-Tribal residents will pay for it. At least consultation should be a minimum.

The bill as currently drafted therefore increases the power of an unelected bureaucracy to divest nonconsenting State and local governments of jurisdiction over their land. This, by itself, is a great cause of concern.

Let's be clear about H.R. 375 and how a bill of this scope and magnitude deserves more careful consideration than is being given here today.

Currently, there are almost 600 recognized Tribes in the United States, about 240 of which have gaming operations. H.R. 375 removes the dam that provided some restraint on the number of Tribal casinos and would be a dramatic departure from existing Federal law that has been in place for almost a century.

Before voting on this bill, I hope Members all understand that H.R. 375 will open the floodgates to off-reservation Tribal casinos all over the United States. If H.R. 375 passes, all federally recognized Tribes will be eligible to receive land in trust and potentially open off-reservation casinos. This includes any Tribe recognized by the Department of the Interior that was ineligible to receive land in trust and/or was denied land in trust prior to H.R. 375.

According to the National Indian Gaming Commission fact sheet, as of 2016, approximately 329, or 58 percent, of the recognized Tribes had no gaming operations.

President Trump opposes H.R. 312 and with good reason. That bill gives land in trust and a casino to a single Tribe that is otherwise ineligible to receive those benefits, as well as reverses Federal court and Interior decisions. But H.R. 375 does all that and more.

Instead of giving land in trust to only one Tribe, it lets an unelected bureaucracy give whatever land it wants to all recognized Tribes. Thus, the same concerns that exist with respect to H.R. 312, which we will be talking later about, exist at an even greater level with respect to H.R. 375.

The purpose of considering bills under suspension is to dispose of noncontroversial measures expeditiously, but H.R. 375 has controversy written all over it.

H.R. 375 has ridden alongside H.R. 312 largely unnoticed, and no one has pointed out two crucial facts: one, that it exists as a contingency plan in case its sister bill, H.R. 312, fails; and two, that its effect would be national rather than local.

H.R. 375 and H.R. 312 are two heads of the same snake, one large, one small. Senator WARREN, regardless, will get her casino if either bill passes.

□ 1415

Further, passage of H.R. 375 will allow for new off-reservation casinos to be opened in your States and communities and for land to be ripped away from local jurisdictions without recourse.

Mr. Speaker, I thank Ranking Member BISHOP for the opportunity to

speak on this important issue. I urge all Members to vote ''no'' on H.R. 375. Send it back to get consultation, at least, put in.

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

Mr. KENNEDY. Mr. Speaker, I thank the chairman for his assistance, for his leadership on this important issue, and for the time.

Mr. Speaker, this debate has been 10 years in the making for Indian Country. A decade ago, a Supreme Court ruling created unnecessary confusion in the interpretation and application of the Indian Reorganization Act of 1934.

This bill, H.R. 375, would clarify the ensuing confusion. Among other things, it would ensure the IRA applies to all Native American Tribes recognized by the Federal Government, regardless of their date of recognition.

For the last 10 years, the unnecessary confusion has caused uncertainty for Tribes seeking recognition and recognized lands, has halted economic development projects on Tribal lands, and has resulted in costly and protracted litigation.

Members and staff on both sides of the aisle deserve significant recognition for getting us to where we are today. But, in particular, Chairman GRIJALVA, Representative MCCOLLUM, and Representative COLE have been extraordinary. I thank them for their incredible leadership on Tribal issues, and their perseverance in pursuing a clean Carcieri fix.

I am honored to have the opportunity to speak on this. I urge my colleagues to support this important legislation.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume to engage in a colloquy with the gentleman from Arizona (Mr. GRIJALVA).

If we, indeed, are going to be serious about a legislative solution to Carcieri, then we need to work out some kind of compromise that could pass both Houses of Congress and be signed by the President.

I have been encouraged by the debate not only on the floor here, but also in our committee, regarding the need to consult with affected parties before land is taken into trust.

Mr. Speaker, I ask Mr. GRIJALVA whether he will commit to work with us on this type of legislation to solve this underlying problem as this bill moves forward?

Mr. GRIJALVA. Will the gentleman yield?

Mr. BISHOP of Utah. I yield to the gentleman from Arizona.

Mr. GRIJALVA. Mr. Speaker, when a Tribe applies to have land taken into trust through the Department of the Interior, local concerns are already strongly considered, even more so when the land is located away from existing reservation lands.

However, I do recognize there is a desire from some Members on both sides of the aisle to work on stand-alone legislation that would codify some of the process.

I agree with the gentleman's statement about veto abilities. Any provision which would give counties or local governments veto power over trust land decisions is, frankly, a nonstarter. Local input is vital to these decisions and should be taken into account. However, Tribal consultation is solely the responsibility of the Federal Government, as is any final decision on transferring land into trust.

And I think because of the national implications of the question of trust land and the role that communities, i.e., counties and municipalities, would play, I think there is a need to somehow accommodate a level of Tribal consultation, because they are going to be the most affected party by any decision that is made.

With that said, I do commit, Mr. Speaker, to looking at any proposal on the issue and to work moving forward if it is to the betterment of all the stakeholders and I would assist the legislation in its final passage.

Mr. BISHOP of Utah. Mr. Speaker, reclaiming my time, I appreciate the gentleman's commitment and I appreciate the comments that he will be there.

There is this bigger question that needs to be answered. Where we draw the line is a matter that still needs some kind of discussion, I recognize that.

Mr. Speaker, I include in the RECORD a brilliant letter from me to Chairman GRIJALVA on this particular issue.'

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, May 6, 2019.

Hon. RAÚL GRIJALVA,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: It is frustrating that the Democrat Leadership has scheduled H.R. 375, legislation to reverse *Carcieri* v. *Salazar*, under suspension one week after the committee markup of the bill. It disregards what I believe was a bipartisan agreement to work on an amendment to the bill to improve consultation between the Bureau of Indian Affairs (BIA) and states and counties to mitigate the impacts of taking land in trust in their jurisdictions. The *Carcieri* decision created vast uncertainty over the fee-to-trust process for tribes and impacted stakeholders. I voted for H.R. 375 in committee as a display of my support for resolving *Carcieri*. My support for the bill's advancement is contingent upon the inclusion of reasonable safeguards on BIA's powers.

During markup on H.R. 375, Messrs. Huffman and Gosar discussed a mutual, bipartisan desire to respond to long-standing state and local concerns. The California State Association of Counties (CSAC), in a letter submitted for the markup record, reiterated the counties' ''longstanding, valid concerns'' they have with a fee-to-trust process conducted under a ''fundamentally flawed regulatory framework'' and they also submitted proposals to resolve these problems. I can attest that many counties in Utah share these same concerns.

Mr. Huffman explained that he found himself in partial agreement with CSAC's position, and that there should be ''meaningful good faith consultation'' with local governments. While saying the Gosar amendment went too far, Mr. Huffman expressed a willingness to ''continue collaborating on this issue'' to ''come up with something that would at least codify that good faith consultation part of a better process.''

Bringing the bill to the Floor this Wednesday is not a sign that such collaboration is being taken seriously by Democrat Leadership nor is it a pragmatic approach to resolving *Carcieri* for the benefit of Indian Country.

The fee-to-trust system is broken because of a provision of a 1934 law that has not been updated since that law's enactment. Realistically, H.R. 375 offers an opportunity through which to fix it. Moving forward without reasonable consultation safeguards on BIA's authority will undermine successful resolution of *Carcieri*.

It was our hope that after debate on the bill during markup you'd allow Messrs. Huffman and Gosar, and other interested Members (on and off the Committee), an opportunity to explore solutions with H.R. 375's sponsor, Mr. Tom Cole. We need to work on a compromise bill that solves the underlying issues and can become law.

Sincerely,

ROB BISHOP,
Ranking Member.

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

Mr. GRIJALVA. Mr. Speaker, for 10 years, the Carcieri decision has caused anxiety and confusion in Indian Country, creating dangerous legal ambiguities related to Indian trust lands.

Today, we can finally end all that. We can remove the ambiguity and uncertainty, and finally offer Tribal nations peace of mind that their lands are protected.

Mr. Speaker, I urge swift passage of H.R. 375, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RUIZ). The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 375.

The question was taken.

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

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

The yeas and nays were ordered.

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

MASHPEE WAMPANOAG TRIBE RESERVATION REAFFIRMATION ACT

Mr. GRIJALVA. Mr. Speaker, pursuant to House Resolution 377, I call up the bill (H.R. 312) to reaffirm the Mashpee Wampanoag Tribe reservation, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 377, the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, is adopted, and the bill, as amended, is considered read.