

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.

The text of the bill, as amended, is as follows:

H.R. 312

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 “Mashpee Wampanoag Tribe Reservation Reaffirmation Act”.

SEC. 2. REAFFIRMATION OF INDIAN TRUST LAND.

(a) *IN GENERAL.*—The taking of land into trust by the United States for the benefit of the Mashpee Wampanoag Tribe of Massachusetts as described in the final Notice of Reservation Proclamation (81 Fed. Reg. 948; January 8, 2016) is reaffirmed as trust land and the actions of the Secretary of the Interior in taking that land into trust are ratified and confirmed.

(b) *APPLICATION.*—Notwithstanding any other provision of law, an action (including an action pending in a Federal court as of the date of enactment of this Act) relating to the land described in subsection (a) shall not be filed or maintained in a Federal court and shall be promptly dismissed.

(c) *APPLICABILITY OF LAWS.*—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian Tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 5101 et seq.)), shall be applicable to the Tribe and Tribal members, except that to the extent such laws and regulations are inconsistent with the terms of the Intergovernmental Agreement, dated April 22, 2008, by and between the Mashpee Wampanoag Tribe and the Town of Mashpee, Massachusetts, the terms of that Intergovernmental Agreement shall control.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Arizona (Mr. GOSAR) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. GRIJALVA).

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on H.R. 312.

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

There was no objection.

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

Mr. Speaker, H.R. 312, the Mashpee Wampanoag Tribe Reservation Reaffirmation Act, will reaffirm the trust status of Mashpee's Tribal land and protect the Tribe from further attacks on its land and its sovereignty.

The Mashpee relationship with the Federal Government is one of the oldest in the United States. In fact, their ancestors are the ones who welcomed the pilgrims who landed at Plymouth Rock, as well as the people who aided those pilgrims through hard times in 1621, in what we now refer to as the “First Thanksgiving.”

Like many Tribes, the Mashpee were intentionally and systematically rendered landless, through no fault of

their own. They fought long and hard over the years to reestablish both their Tribe and their land base.

The Tribe first petitioned the Federal Government for recognition in 1978. Finally, after 30 years, the Bush administration extended formal recognition to the Tribe in 2007. However, they still remained landless.

This was remedied in 2015, when the Department of the Interior took approximately 320 acres into trust to serve as the Tribe's reservation lands. The two parcels that compose the 320 acres are both within the Tribe's historic and ancestral homelands.

The Tribe constructed a government center on the land, which includes their schools, courtrooms and multipurpose room, as well as a medical clinic facility. And they broke ground on a gaming facility that would eventually bring in much-needed revenue for Tribal operations and programs.

However, in 2016, a group of Taunton residents, backed by an out-of-state commercial gaming company, filed a Carciere suit in federal court to challenge the Department of the Interior's action.

Initially, the executive branch defended the decision to create the Mashpee reservation. However, in May 2017, the Department of Justice, under the Trump administration, inexplicably withdrew from the litigation and is no longer defending the status of the Tribe's land.

Then, in September 2018, the Department of the Interior issued its first Carciere decision in which it refused to reaffirm its own authority to confirm the status of the Tribe's lands into trust. The effect of this decision cannot be overstated. For the first time in this century, a Tribe was stripped of its sovereign rights to its land. It would mark the first time since the dark days of the termination era that the United States acted to disestablish an Indian reservation and render a Tribe landless.

These attacks on the reservation and on the Tribe's very status have been devastating. The legal uncertainty that has been imposed by these events is forcing the Tribe to borrow thousands of dollars every day just to keep its government running, resulting in devastating cuts to essential services, and massive layoffs of Tribal members.

This is completely unacceptable. We cannot idly stand by as Tribal people are once again harmed by yet another action by the Federal Government. Let's be honest, the Federal Government has done a terrible job of living up to its moral and legal obligations to Indian Country.

Housing, education, healthcare, and basic needs often go unmet in Tribal lands. These are not extras or handouts to Tribal people. It is part of a trust responsibility, enshrined in numerous treaties, court rulings, and laws.

But the needs still need to be met, despite the Federal Government's failings. So how do Tribes attempt to

make up for that shortfall? By utilizing their land for economic development, including gaming.

Economic development on Tribal lands is vital to the prosperity of a Tribe and the ultimate goal of self-determination and self-reliance. We have seen it numerous times across the Nation: Tribes using those dollars to fund their programs, construct housing and health clinics, and take care of the needs of their people.

The Mashpee Tribe should not be hindered from economic development on their land solely because the State of Rhode Island wants to protect its own State-run gaming interest.

H.R. 312 is widely supported in Indian Country, with letters of support from over 50 individual Tribes and pan-Tribal organizations.

Additionally, the bill has strong support, including from the cities of Taunton and Mashpee, the Chambers of Commerce of both cities, the State of Massachusetts, numerous Members of the Massachusetts State House and State Senate, the Mayflower Society, and many local businesses and business leaders.

Passage of H.R. 312 will protect the Mashpee Tribe's reservation lands and make clear that the Tribe is entitled to be treated the same way as other federally recognized Tribes.

Mr. Speaker, I urge its adoption, and I reserve the balance of my time.

□ 1430

Mr. GOSAR. Mr. Speaker, I yield myself such time as I may consume in strong opposition to H.R. 312.

H.R. 312 is contrary to the view of the Department of the Interior. It contradicts a Supreme Court decision and aims to reverse Federal court decisions on this matter in order to build a massive 400,000-square-foot, off-reservation gaming complex for the benefit of Genting, a foreign Malaysian gaming company.

H.R. 312 creates two reservations for the Mashpee Tribe of Massachusetts:

One reservation will be the town of Mashpee, the Tribe's historic reservation lands. No casino will be allowed within the geographical boundaries of the town of Mashpee.

The other reservation is, oddly, 50 miles away from Mashpee, in the city of Taunton. This site is not part of the Tribe's historic reservation and was selected by the Tribe and Genting for a billion-dollar casino project because of its proximity to the Providence, Rhode Island, casino market, 20 miles distant.

There is no reason for the second reservation, other than to build an off-reservation casino 50 miles away from the Mashpee Tribe, where they currently reside. In fact, the new off-reservation casino will be only 20 miles from the New England Patriots' football stadium and, again, 50 miles from the Mashpees' historic reservation.

In 1988, Congress enacted the Indian Gaming Regulatory Act, with the intent to restrict casinos to Tribes' original reservations. By placing land in

trust for the Mashpee Tribe for gaming in Taunton, H.R. 312 creates an off-reservation casino, which is inconsistent with congressional intent. This is often called reservation shopping, and it is an abuse of the Indian Gaming Regulatory Act.

The Tribe's lawyers knew that reservation shopping was a political headache, so they went to the bureaucrats within the BIA to obtain the two reservations through administrative action. RedState recently reported:

No one is more desperate for H.R. 312 to succeed than Genting Malaysia. If the casino doesn't come through, the Tribe doesn't have to pay Genting back the over half a billion dollars it borrowed.

H.R. 312 is a financial bailout for Genting. The Tribe is swamped with a \$500 million-plus debt to Genting, and there is no way the Tribe can ever pay this back and still make enough money to sustain itself. Genting, therefore, will be the real owner of the project, not the Tribe.

This kind of arrangement where the creditor practically controls the financial future of a debtor Tribe is contrary to the Indian Gaming Regulatory Act, which requires every Tribal casino to be 100 percent tribally owned.

At the committee hearing on this bill, counsel for the Governor of Rhode Island testified that H.R. 312 will cause the State significant harm with regards to revenues for education, infrastructure, and social programs and is contrary to the limitations contained in the Indian Gaming Regulatory Act.

Moreover, the American Principles Project also reported on the ties between convicted lobbyist Jack Abramoff and the Mashpee Wampanoag Tribe, stating:

The expansive Abramoff investigation uncovered major corruption within the Mashpee Wampanoag Tribe. Its chief, Glenn Marshall, pled guilty in 2009 to multiple Federal charges, including embezzling Tribal funds and campaign finance violations committed while working with Abramoff to secure the Federal recognition of the Tribe in 2007.

For my Republican colleagues: The bill was opposed by 10 of the 13 voting Republicans during the committee markup, including the ranking member, ROB BISHOP; President Trump tweeted that he opposed the bill and urged Republicans to do the same; House Minority Whip STEVE SCALISE also sent an email recommending Members vote "no" on H.R. 312. Do you really want to vote for ELIZABETH WARREN's top Tribal priority?

For my Democratic colleagues: Representatives CICILLINE and LANGEVIN strongly oppose this bill, and it is opposed by the Democratic Governor of Rhode Island. The bill is also "strenuously opposed" by other federally recognized Tribes in Massachusetts.

For Members on both sides of the aisle: Do you really want your name tied to a Tribe that only received Federal recognition in 2007 as a result of shady lobbying by Jack Abramoff? Do you really want to vote for a \$500 million bailout for a former gaming corporation?

In short, H.R. 312 authorizes an off-reservation casino, bails out a foreign corporation from major financial problems of its own making, reverses the judgment of a Federal court, and contradicts the Supreme Court ruling.

Wow, all in one breath.

Mr. Speaker, I urge all Members on both sides of the aisle to vote against H.R. 312, and I reserve the balance of my time.

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

Mr. KEATING. Mr. Speaker, I thank the chairman for yielding, and I thank the chairman for all his hard work on this bill and so many others that are related to this.

I also want to thank the Natural Resources subcommittee chair and ranking member, Mr. GALLEGOS and Mr. COOK.

I want to thank my colleague from Massachusetts who has worked so hard and is a cosponsor, Mr. KENNEDY.

I also want to give particular thanks to the gentleman from Oklahoma (Mr. COLE) for his support and also voice my strong support for H.R. 375, the bill that was just debated that is well thought out, well worked through—over a decade—and well worth the support of everyone here.

Mr. Speaker, the Mashpee Wampanoag Tribe has resided in southern New England for more than 12,000 years. To not have their land federally recognized is simply a disgrace.

We have seen them in our history books, in historical paintings, in iconic murals. They are the Tribes that welcomed the Pilgrims for the first Thanksgiving. This President even put them in his own Thanksgiving proclamation just last year. He recognized them.

Tragically, like so many Native Americans, the Mashpee Wampanoag Tribe has lived through centuries of injustice, the latest of which this House is debating today.

For years, I have worked personally with the Tribe as they have used hard-earned Federal recognition to provide adequate housing, jobs, job training, and essential services, including native language learning, early childhood education.

And this is important. We all know, in my region, the plague of the opioid epidemic, through Cape Cod, in that region. The incidence of overdose for the Wampanoag Tribe is 400 times. I will repeat that, 400 times more, the number of overdoses for that Tribe. I have worked with them and will continue to work with them, if they are in existence, to try and help them deal with this scourge.

The Mashpee Wampanoag Tribe is also a Tribe that, as you look at the landscape for Tribes around the country, is suffering so many things that other Tribes are—the uncertainty of their status.

And this is the Tribe, I think, that best shows the inequities that are involved in these types of recognition.

I will just say, I introduced this bill last Congress when we first heard rumors that the Department of the Interior was going to, for the first time, reverse the position of the previous administration and refuse to defend the Mashpee Wampanoag's right to their historic land. They are the only Tribe that has received recognition and then had it taken away from them.

Now the Tribe's reservation is hanging by a thread, and they have been left to defend their land on their own. This is an existential threat.

Without support from Congress, it will be nearly impossible for the Mashpee to engage in any kind of true self-government because they won't own their own land: no economic development, no Tribal headquarters, no elder housing, no pre-K programs. It means being treated as a second-class Tribe with no future.

Bipartisan legislation to help a Tribe like the Mashpee would normally pass the House without issue. Just 2 weeks ago, we passed a parallel Republican-led bill for a Tribe in California without a single Member objecting—not a peep from the other side. President Obama signed a bill like this into law in 2014, and, importantly, President Trump did the same just last year.

Sadly, although the substance of H.R. 312 is noncontroversial, the tactics employed by the bill's few opponents are not. Throughout this process, we have seen gross mischaracterization and outright lying for personal and financial gain.

My Republican colleague, ranking member in the Rules Committee, a member of the Chickasaw Nation, a Republican from Oklahoma and an expert on these issues, said last night at the Rules meeting, never has he seen such misinformation about a simple bill, to the point of being scurrilous.

This is not about gaming. It is not about picking winners and losers. It is simply about a Tribe's rightful place in its native land. That is all.

Mr. Speaker, I believe in the best in this institution. I believe that many of us in Congress are here to lead. We are here to debate issues on their merits; we are here to find common ground when we might otherwise disagree; and we are here to set an example to show the American people what is right. Yet what we have seen happen to the Mashpee bill in the past week reflects the worst. No law seems too low.

Where is the bottom?

We have seen the President, through his tweets, trying to sink an entire Native American Tribe in the name of special interests, dirty lobbying, and outright bigotry.

The cast of characters behind the scenes spewing information is revealing: a rightwing lobbyist, Trump loyalist; a Trump campaign operative who worked for convicted felon and Trump campaign manager Paul Manafort; individuals with financial interests that

are counter to the Tribe, including two former Trump Plaza Casino officials and a major financier with both casino and National Enquirer interests.

Cultural warfare to benefit bank accounts, corrupt intent for personal gain, all in the form of a racist tweet. And some Members of this body are eager to let him get away with it. But not me, not my cosponsors, and not the majority of this House.

I still believe this House has an opportunity today to do what is right. We can show the Native American people that we will stand up for them, that after nearly 250 years since our country's founding we would not be where we are without them. They deserve that dignity; they deserve that respect; and they deserve that sovereignty for their historic homeland.

Mr. Speaker, let's be on the right side of history today. Vote "yes" and save the Mashpee Wampanoag Tribe.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. GOSAR. Mr. Speaker, I want to make sure that my colleagues on the other side understand that, as the city of Mashpee, no one has any problems, but it is the city of Taunton that is part of the problem, and that is where we have the gist. So I caution them to watch their rhetoric.

Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I thank my friend for yielding. It is a very generous gesture when we have a different point of view on the bill.

Mr. Speaker, I rise today in strong support of H.R. 312, the Mashpee Wampanoag Tribe Reservation Reaffirmation Act.

Mashpee Wampanoag people have lived in the Massachusetts area for thousands of years. In fact, our shared Thanksgiving tradition highlights a celebration of Pilgrims and Indians breaking bread together over the first colonial holiday, and it is the Mashpee who sat at the table.

In 2007, the Mashpee Wampanoag Tribe was federally recognized. Mr. Speaker, 8 years later, the Bureau of Indian Affairs approved the decision to take land into trust on behalf of the Mashpee for a reservation. The Tribe was then able to provide services directly to its citizens, become eligible for Federal programs, and explore economic opportunities.

Shortly after, in 2016, the Mashpee's reservation decision was challenged in court by plaintiffs stating that, because the Tribe was federally recognized after 1934, the Department of the Interior could not take land into trust on behalf of a Tribe. This decision stems from the 2009 Supreme Court decision, *Carcieri v. Salazar*. It is an example of why that law needs to be fixed.

In 2018, the administration issued a decision that would take the Mashpees' reservation out of trust. This marked

the first time since the termination era that a Tribe has lost their trust land.

Frankly, from my standpoint, Mr. Speaker, an attack on trust land anywhere threatens trust land everywhere, so I am very happy to be working with my good friend, Mr. KEATING, on H.R. 312. It is a bipartisan bill, and it is necessary. It will reaffirm the trust status of the Mashpee reservation.

The local elected officials with jurisdiction over the land are supportive of the bill, as is the State's entire congressional delegation, as is the Republican Governor of the State.

Mr. Speaker, a "yes" vote on this bill will right a wrong. It is a vote for local control. It is a vote for Tribal sovereignty, and it brings the Mashpee land back into trust. It marks another important step in our shared American journey.

Mr. Speaker, I urge my colleagues to vote "yes" on the bill.

□ 1445

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

Mr. GOSAR. Mr. Speaker, I yield 4 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

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

Mr. Speaker, I rise today to speak in strong opposition to H.R. 312, the Mashpee Wampanoag Tribe Reservation Reaffirmation Act. This bill will allow the Mashpee Tribe to open a massive off-reservation casino right on the border of Rhode Island and Massachusetts, nearly 40 miles away from their historic Tribal lands in Cape Cod.

The Mashpee Wampanoag Tribe became federally recognized in 2007. Under the Indian Reorganization Act, the United States Department of the Interior is only allowed to take land into trust for Tribes recognized before 1934.

In 2009, the U.S. Supreme Court confirmed this Federal standard in the *Carcieri v. Salazar* decision. In 2015, the U.S. Department of the Interior ignored the Indian Reorganization Act and the U.S. Supreme Court's ruling and took land into trust for the Mashpee Tribe.

A year later, the residents of Taunton, Massachusetts, sued and won in U.S. district court to stop the casino from being built in their town. The district court ruled that the Department of the Interior should not have taken land into trust for the Mashpee Tribe and instructed the Department to conduct a further review of the Tribe's eligibility.

After reviewing the Mashpee Tribe's application last year, the U.S. Department of the Interior rejected the Tribe's claim based on the finding that the Tribe was not under Federal jurisdiction in 1934, which meant the Department lacked authority under Federal law to take land into trust on their behalf.

Today's bill would reverse this final decision of the Federal court and the

Department of the Interior and disregard the U.S. Supreme Court precedent in allowing the Tribe to build an off-reservation casino in Taunton, Massachusetts.

If H.R. 312 passes today, it would be the first time—I repeat, the first time—Congress ever reversed a final Federal court ruling that determined a Tribe did not meet the Federal standard to have land taken into trust by the U.S. Department of the Interior.

The impact of this bill would be disastrous and would open a floodgate for Tribes to come to Washington to hire the biggest lobbyists they can to get their carve-out from Congress.

Do we really want to go down this road? Does Congress want to be in the business of picking winners and losers? That is exactly what this bill does.

The Tribal land system shouldn't depend on which Tribes hire the most expensive lobbyists. Instead, it should be based on fairness under our law and applied equally.

Instead of this bill directly benefiting the Tribe, as some have suggested, the bill will bail out Genting, the Malaysian hedge fund that is financing this deal. Even if this bill passes today and the Mashpee build a casino, it is very unlikely, according to all the experts, that the Mashpee casino will ever be profitable for the Tribe because they owe Genting a half-billion dollars.

Proponents of this bill have argued that Congress is the last hope for the Mashpee Tribe and that they will go bankrupt without this casino, but Genting Malaysia has already written off the half-billion dollars it gave to the Tribe as a loss on its financial statements. If today's bill fails, the Mashpee Tribe does not need to pay back this money because, under the agreement with Genting, it is contingent on the casino being built. The debt is erased.

Regardless of what happens with this bill today, the Mashpee Tribe will still be a federally recognized Tribe and will continue to receive Federal benefits.

Mr. Speaker, I started off opposing this bill because of the damage it would do to Rhode Island's economy. The casino in Rhode Island generates over \$300 million in economic activity and is responsible for thousands of jobs in Rhode Island. I am very proud of my fierce defense for my State, and putting an off-reservation casino on the border will have a significant, negative impact on Rhode Island.

But the more I learned about this legislation, the more I realized the dangerous precedent this bill would set if it became law. H.R. 312 would reverse a Federal court ruling, undermine the Indian Reorganization Act, ignore a U.S. Supreme Court ruling, and reject the 2018 decision by the U.S. Department of the Interior. Most perniciously, it is a special deal for a single Tribe, and that is just wrong.

I stand here in opposition to this bill not only because of the impact on my

State, and not because I am unsympathetic to the challenges the Tribe faces, but this legislation will continue their exploitation by a powerful foreign entity.

I urge my colleagues to defeat this bill, and I thank the gentleman for yielding.

Mr. GOSAR. Mr. Speaker, I yield to the gentleman from Rhode Island so that we may have a quick colloquy.

As the gentleman made mention, it was locals in Taunton that actually sued; is that true?

Mr. CICILLINE. Will the gentleman yield?

Mr. GOSAR. I yield to the gentleman from Rhode Island.

Mr. CICILLINE. Yes.

Mr. GOSAR. Does the gentleman think that the court in which they sued had any of the information skewed in front of it, in front of their jurisdiction?

Mr. CICILLINE. I am not aware of the information they had.

Mr. GOSAR. All this information that we are hearing, that is myth versus fact; is that true?

Mr. CICILLINE. Again, I don't know about the legal proceedings. I know that the litigation was begun by the people in the local community.

Mr. GOSAR. Mr. Speaker, I thank the gentleman for engaging in the colloquy, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume to address a point that was brought up during the debate on this bill, that the Mashpee Tribe will not lose its Federal recognition if H.R. 312 does not pass. That is true. We have never stated the Federal recognition was in jeopardy.

What we are talking about, which is fundamental to the survival of the Tribe, is destroying a Tribe's sovereign government. That is really what is at stake.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KENNEDY), another sponsor of this legislation.

Mr. KENNEDY. Mr. Speaker, I thank the chairman for moving this critical piece of legislation forward and for shepherding it to the House floor today.

I thank my colleague and friend, Congressman KEATING, for his advocacy on behalf of the Mashpee Wampanoag Tribe, which calls both of our districts home.

Nearly four centuries ago, the Mashpee Wampanoag Tribe opened their homes and their lands to the Pilgrims who sailed to our shores. That same welcoming spirit survives in their ancestors who live in Massachusetts today.

That is why I am proud to have the Wampanoag people call my district their home. They have planted their roots deeply in Massachusetts, and they see a future of self-determination and prosperity in the city of Taunton.

But I am ashamed of how our Nation has treated them in the 398 years since

they shared their precious resources with those strangers, not to mention the generations before them that called the region home for nearly 12,000 years.

I am ashamed of how our Nation has treated many Native people throughout our history and how we have taken their land, silenced their voices, poisoned their water, and disrupted their culture. We have dismissed their very humanity.

It is that shame that leaves us here today with a decision to make. Today, as this House debates this bill, the Mashpee Wampanoag Tribe is on the verge of dissolution. An unjust Supreme Court decision, followed by a reversal by the Department of the Interior to take the Tribe's land into trust, has left the Tribe with no other options. They are without access to critical Federal funds to support their public services, including health centers and schools.

The question today is, do we allow this to become a closing chapter in the story of an indigenous people who put their faith and trust into strangers? Do we allow a legal loophole to define American citizens out of existence?

Or do we begin to right the wrongs of our past? Do we begin to march down a path of justice and equality and hope for the Native people whose dreams for this country outlive our very democracy?

To me, that choice is simple. It is a matter of right and wrong, of correcting a historical injustice that has perpetrated for far too long. It would simply put the Mashpee Tribe on equal footing with all other federally recognized Native American Tribes.

I want to take a minute, Mr. Speaker, to rebut some of the arguments made by our colleagues.

One, that this is an off-reservation development: There is no reservation. There is nothing to be off-reservation. I cannot imagine that the argument actually is that, for a Tribe that called thousands of acres home, you are going to say they can only represent one small portion of that and not have two facilities. That can't possibly be how the U.S. Government is dictating what Tribal lands can be today of an area they called home for 12,000 years.

Two, my colleagues argued that this overrules a court decision. The last time I checked, that is what Congress does. We write laws. The courts interpret them. They strike down laws all the time. We write them again. That is in the Constitution. That is inherent in our responsibilities, in our obligation. The actual court decision, if you read it, indicates that Congress has the inherent power to do exactly what we are doing, 100 percent.

Three, our colleagues referenced the Gun Lake decision and the Gun Lake legislation. Gun Lake was a response to a decision by the Supreme Court as well, 100 percent.

We have heard allegations of lobbyists. The lobbyist for our colleagues in Rhode Island for their casinos is mar-

ried to a communications official in the White House. You can't possibly be saying that there is some issue here with Federal lobbying that is not directly and 100 percent in line with lining their own pockets for the opposition to this bill.

They said that the Tribe is about to go bankrupt. The Tribe is about to go bankrupt, but all of a sudden, the Tribe doesn't owe the financiers money. Which one is it?

Next, Federal benefits, they are saying that all the Federal benefits will remain. That ignores the Federal benefits that come with Federal recognition of reservations: the Indian Business Development Program, Financial Assistance and Social Services, employment assistance for adult Indians, vocational training for adult Indians, educational contracts under the Johnson-O'Malley Act, food distribution programs on the Indian reservation, Tribal transportation programs, Bureau of Justice Assistance Tribal justice system grants, treatment as a State under the Clean Water Act, treatment as a State under the Clean Air Act, exercise of Special Domestic Violence Criminal Jurisdiction. All of those are contingent on this bill today.

A dangerous precedent is going to be set. The dangerous precedent that is going to be set is that Massachusetts residents legalized gambling. The Tribe went through a compact with the State that was approved. They went through a referendum with the people of Taunton that was approved nearly 60-40 that townspeople in Taunton want this bill. They want this development.

It is a billion dollars for a working-class community. The folks who don't are, yes, a few residents of that community whose lawsuit has been financed by a rival casino developer to end this project so they can build a different one down the road.

They say that this is too close to the Rhode Island border. There is an existing casino in Rhode Island that recently started 500 yards from the Massachusetts border. You cannot be serious about this.

There is no argument, other than greed, that comes back to why anyone should vote against this bill. This is about the recognition of a sovereign nation that welcomed strangers to their land 400 years ago and helped us celebrate our first Thanksgiving, and the ability of our Federal Government to recognize them for who they are. If nothing else, this Tribe deserves that.

Mr. GOSAR. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding, and I hope that I won't take the whole 3 minutes.

Mr. Speaker, I rise in strong opposition to H.R. 312, the Mashpee Wampanoag Tribe Reservation Reaffirmation Act.

This bill will have enormous impacts on my home State of Rhode Island. The

intent of this bill is to allow for the construction of a new casino resort near the State line between Rhode Island and Massachusetts, which would rival the existing casinos in our State.

The Twin River Casino Hotel and the Tiverton Casino Hotel of Rhode Island generate \$300 million each year, representing the State's third largest source of funding. These dollars support vital education and infrastructure programs in Rhode Island. Rhode Island would suffer tremendously if H.R. 312 became law.

Beyond the economic damage that would occur to Rhode Island, the precedent that would be set by this bill is fundamentally unfair. The bill would overturn a 2018 decision by the U.S. Department of the Interior, and it would reverse a 2016 ruling by the U.S. District Court for the District of Massachusetts.

If Congress grants the Mashpee Tribe this exception, then other Native American Tribes would seek individual relief. Congress would be creating an unbalanced patchwork process for Tribes to put land into trust. Such a system would be based on lobbying, not on firm principles or deliberative rule-making.

□ 1500

The process to take Tribal lands into trust is complex and requires careful consideration of the interests of our indigenous peoples in conjunction with local communities. We know this complexity firsthand in Rhode Island, as the Supreme Court decision *Carcieri v. Salazar* directly concerned our State.

But the solution is to create a uniform standard for the whole country, not a haphazard process wherein Congress chooses winners and losers, again, based on lobbying. This is why I urge my colleagues to oppose this bill. The bill creates evident harms to our State revenues in Rhode Island, but it also represents a slipshod way of addressing the very real issues of how Tribes have land taken into trust.

My friends in the Massachusetts delegation insist that this issue be handled with alacrity. I respectfully disagree. The urgency they express is grounded in the dollars and cents of gaming development, money loaned on the promise of casino riches. Those loans may have been imprudently granted, but we cannot allow imprudent financial dealings to force our hand.

Rather than rush a Tribe-specific loophole, I ask my colleagues to vote "no" on H.R. 312 and to, instead, update the Indian Reorganization Act to make this process more transparent and fair. Mr. Speaker, I urge my colleagues to vote "no."

Mr. GRIJALVA. Mr. Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Arizona (Mr. GRIJALVA) has 10 minutes remaining. The gentleman from Arizona (Mr. GOSAR) has 15 minutes remaining.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. KEATING).

Mr. KEATING. Mr. Speaker, I have been around here a little while, and I have never heard so many people from Arizona really concerned about anything that is going on in Rhode Island. For that matter, I haven't heard many people in Rhode Island that concerned about what is happening in Massachusetts.

But this is what it is about, I guess. It is not what it is about to me. It is not what it is about to our cosponsors. I know it is not what it is about to Mr. KENNEDY. I know it is not what it is about to the chairman of this committee.

I am puzzled. People are saying this is a circumvention dealing with gaming. This bill isn't about gaming. Let me bring it back into focus, but let me just address one thing first.

I am puzzled because this Tribe went through the State process. This wasn't a circumvention. They went through the Commonwealth of Massachusetts' process for deciding gaming institutions. The State decided this. Congress isn't deciding this. The Commonwealth of Massachusetts decided this. They created an area in southeastern Massachusetts along with two other areas in the State where this would be located.

So I have got news for the people in Rhode Island: They can do their best to kill this bill and destroy this Tribe, but it is still going to get a casino because the State of Massachusetts said so.

So now that I am through just pointing out what this bill isn't about, let me just make the last point about what it is about.

It is about justice. It is about doing the right thing. It is about taking a Tribe that, through its whole history, has lost all of its land even though it did occupy that land where it is in Taunton, where it occupies it now.

This is about doing the right thing, and it is a disgrace in this Congress that politics, special interests, lobbying, and conflicts have taken over this debate. Let's do the right thing. This is part of our history. We wouldn't be here where we are without this Tribe. Let's respect that. Let's pass this bill.

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

Mr. Speaker, the rhetoric coming from the other side is hot and heavy like I don't know what I am talking about with Native American Tribes when I have lived my whole life in association with Tribes. So let's get through some of the false myths that are out here that continually are being talked about.

Now, the myth is that Congress has done this for other Tribes, i.e., we have heard about the Gun Lake Tribe.

Fact: That is false. This will be the first time, as my colleague from Rhode Island said, that Congress would overturn a Federal Court decision where the court ruled that the Tribe did not

meet the Federal standard to have land taken into trust, a State-recognized Tribe.

Myth: The Tribe is facing extinction unless Congress acts.

That would be false. The Mashpee Tribe will not lose its Federal recognition and will continue to receive Federal benefits and funding even if H.R. 312 does not pass. Further, if this is not solely about a casino, then my amendment should have been considered and adopted in committee. The amendment was a compromise that would have secured a reservation for the Mashpee for all purposes but not gaming.

Myth number three: H.R. 312 is not a casino giveaway nor a case of reservation shopping.

Fact: It is both. There is no reason for the second reservation other than to build an off-reservation casino 50 miles away from where the Mashpee Tribe currently resides. If this weren't solely about a casino, then my amendment would have also been adopted in committee.

Myth: The two tracts of land in the town of Mashpee and the city of Taunton both are sites within the Tribal historical territories. My colleague from Massachusetts actually alluded to this.

That would be false. The Mashpee Tribe will build a massive, 400,000-square-foot, off-reservation casino away from their Tribal land on the border. That would be Taunton, Rhode Island.

In 1988, Congress passed the Indian Gaming Regulatory Act with the intent to restrict casinos to Tribes' original reservations. By placing land in trust for gaming in Taunton 50 miles away from the Tribe's historic reservation—he also brought that point up, that it wasn't their traditional land—what Congress intended in the Gaming Regulatory Act would be severely harmed.

Myth: This bill has nothing to do with approving a specific casino project.

Fact: We actually heard it again from the other side. If that were the case, then my amendment would have been made in order and received votes or deemed adopted at the committee level. The amendment would have secured a reservation for the Mashpee Tribe for any nongaming purposes.

These may include, but not be limited to, the construction and operation of Tribal government facilities and infrastructure, housing, a hospital, a school and library, a museum, a community center, assisted living for Tribal elders, business development, natural resources management, the Tribe's exercising its government jurisdiction over Tribal members, and many other Tribal uses.

The next myth is that H.R. 312 is not a bailout.

H.R. 312 is not a bailout? In fact, the Malaysian hedge fund, Genting Malaysia, that is underwriting the casino—yes, underwriting this casino.

The Mashpee Tribe will not receive a penny of revenue from the casino for many years, if ever, because of the massive size of the \$500 million-plus debt they have incurred to Genting. Genting, therefore, will be the real owner of the project, not the Tribe.

This kind of arrangement where the creditor practically controls the financial future of a debtor Tribe is contrary to the Indian Gaming Regulatory Act, which requires every Tribal casino to be 100 percent tribally owned.

The last myth: The Mashpee Tribe will go bankrupt if H.R. 312 does not pass.

Fact: The Mashpee Tribe will only be required to repay its debt to the Malaysian company underwriting the deal if H.R. 312 is enacted and the casino is approved.

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

Mr. GRIJALVA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kansas (Ms. DAVIDS).

Ms. DAVIDS of Kansas. Mr. Speaker, I rise today in support of this bill. I have heard a lot of rhetoric today about the role of Congress and the role of the administration in recognizing or not recognizing Tribal lands, Tribal governments, reservations, and the ability of Tribes to participate in whatever kind of economic development they so desire.

I have also heard a lot of talk and discussion. I am pleased to hear talk and discussion on this House floor about the need to make sure that Tribes are recognized, that Tribal sovereignty is recognized, and that this government needs to do right by Native people and indigenous people to this land.

But the basis for support of this bill today is not necessarily rooted in whether or not we are doing the "right thing." Congress has a duty to properly exercise our plenary power over interactions with Tribal people and with Tribal governments. The Constitution gives Congress plenary power over interactions with Indian Tribes. What is at stake here today is how Congress and the Federal Government are going to continue to interact with Indian Tribes.

Tribes don't need Congress Members' sympathy. What Tribes need is for us to properly exercise our duty. This bill does that. This bill exercises Congress' proper power to recognize a Tribe, to recognize Tribal reservation lands, and it has nothing to do with what happens afterwards.

This bill wouldn't abrogate or alter the application of the Indian Gaming Regulatory Act or any other piece of legislation. This bill would simply do exactly what Congress' job is to do: recognize the Federal-Tribal relationship that exists and the Tribal lands that are properly held in trust and should be held in trust for an Indian Tribe. That is what we are doing right now.

All the talk and discussion about other pieces of legislation that might

be called into question after this bill is passed should be debated later. That has nothing to do with what this specific bill applies to.

Our role here is very simple. We have got to recognize the Mashpee Tribe's reservation. We have got to recognize their sovereignty and their self-determination.

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

Mr. Speaker, I just want to address Congress' intent, under article I, section 8.

As I said before, the Mashpee reservation of the city of Mashpee is not of consequence. It is the area outside of their previous homeland of Taunton that is of discussion. That is only the aspect here. What has happened here is the bypassing of protocol and law that actually causes the problem.

So let me give you a little bit of background about why I have this problem.

We had seen previous abuse in the past where the off-reservation land was taken in a trust against the will of States, compacts, and local communities for the sole purpose of building new casinos.

This was certainly the case of the Tohono O'odham Nation right in Arizona when they acted against the fellow Tribes, the State of Arizona, and the general public to open an off-reservation casino in Glendale, despite agreeing to a voter-approved compact not to build any more casinos in the Phoenix metro area until the compact was renegotiated. Litigation discovery and audio recordings affirm this shameful conspiracy implemented by the Tohono O'odham.

I am concerned that this bill as written will encourage future abuse in that regard and allow for more off-reservation casinos to be built against the objections of local communities.

Furthermore, there is no CBO score for this bill. There is no committee report that I have seen. We are pushing this bill through that has no chance of being signed into law without amendment and without knowing the full ramifications of this legislation.

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

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

Mr. GOSAR. Mr. Speaker, I yield myself the balance of my time.

Let's go back to some more of the myths.

The Mashpee Tribe will lose its Federal recognition and benefits if H.R. 312 does not pass.

Once again, that is false. The Mashpee Tribe will not lose its Federal recognition and will continue to receive Federal benefits and funding even if H.R. 312 does not pass.

Here is the next myth. It was the intent of Congress for all Tribes to have land and trust under the IRA of 1934 regardless of when the Tribes obtained Federal recognition.

Fact: That is not what the Supreme Court said in *Carcieri v. Salazar*. The

Supreme Court said that the Tribal aspect of the IRA of 1934 does not authorize the Secretary of the Interior to place land in trust for Tribes that were not under Federal jurisdiction on the date of enactment of IRA, or 1934.

Fact: There is no evidence that Congress, in 1934, thought that off-reservation gaming would turn into the controversial mess it has become today.

Myth: After a Federal judge struck down the Obama administration's second definition of Indian analysis, the Trump administration chose not to defend the decision.

Fact: The Trump administration chose not to defend the decision because the judge said it was "not even close," and the Obama administration had not used this analysis in any other Tribe's trust land case. It was used once only for the Mashpee. The Court remanded the matter back to Interior for an examination under the same "first definition of Indian" analysis used for all other Tribes.

In applying the Obama administration's analysis used for all other Tribes, the Trump administration determined the Mashpee did not qualify, and yet Tribes blame the Trump administration for something the Obama administration could have done years ago but chose not to.

□ 1515

Could the fate of a billion-dollar casino be the reason why the Obama administration bent the rules? I wonder.

H.R. 312 doesn't amend the IRA. It doesn't amend any law. Rather, H.R. 312 declares the Obama action struck down by the U.S. district court to be lawful and proper. The bill also orders the court to dismiss the lawsuit concerning the casino property and to prohibit the filing of any future lawsuit over it.

Mr. Speaker, we constantly see over and over again, the problem with H.R. 312 is it is once again being rushed to the floor.

I want to reference a letter from Eagle Forum and highlight, basically, their reservations.

"This bill is a deceptive plan to undermine the Federal Government's decision to deny the Mashpee Tribe land for a new casino. The Mashpee Tribe has previously engaged in questionable financial and lobbying dealings. They are currently \$450 billion in debt to Genting, a foreign Malaysian gaming company, because of this project.

"The Tribe has no way of paying the company back, which means Genting will be the true owner of this project. Taxpayers should not be responsible for the bailout of their irresponsible dealings."

Down further it goes:

"Just the issue of gambling alone has been devastating to families across the United States, especially among Native Americans."

Further down it goes:

"For these reasons, we urge you to vote 'no' on H.R. 312, Mashpee

Wampanoag Tribe Reservation Reaffirmation Act.”

I also want to reference Americans for Limited Government:

“The House of Representatives should reject H.R. 312, the Senator ELIZABETH WARREN-led attempt to punch piecemeal holes through the Indian Gaming Regulatory Act. This isn’t about the ability of Tribes using land that is part of their long-established heritage for casino development, but, instead, it is about whether Congress should place gambling institutions on unrelated land based upon proximity to urban areas.

“If Senator WARREN and her benefactors wish to change the Indian gaming laws, they should introduce wholesale reforms rather than turning the existing law into Swiss cheese for nothing more than investor pecuniary interests.

“Rick Manning, President, Americans for Limited Government.”

We actually have our opposition to 312:

I urge my colleagues to vote “no” on 312, the Mashpee Wampanoag Tribe Reservation Reaffirmation Act, when it comes before the House today.

H.R. 312 is contrary to the view of the Department of the Interior, contradicts a Supreme Court decision, and aims to reverse Federal court decisions on this matter in order to build a massive, 400,000-square-foot, off-reservation gaming complex for the benefit of Genting, a foreign Malaysian gaming company.

The bill forever strips the Federal Government of its jurisdictions over this Tribal casino and overturns a well-reasoned decision from a Federal judge.

H.R. 312 also provides a massive tax shelter for Genting by shielding the land—and the casino on it—from taxation and State regulation.

The bill creates two reservations for the Mashpee Tribe of Massachusetts, one reservation which we have no problem with, in the town of Mashpee, the Tribe’s historic reservation lands. No casino will be allowed within the geographical boundaries of the town of Mashpee.

The other reservation will be 50 miles away from Mashpee in the city of Taunton. This site is not part of the Tribe’s historic reservation and was selected by the Tribe and Genting for a billion-dollar casino project because of its proximity to the Providence, Rhode Island, casino market, 20 miles away.

In 1988, Congress enacted the Indian Gaming Regulatory Act with the intent to restrict casinos to Tribes’ original reservations.

By placing land in trust for gaming in Taunton, H.R. 312 creates an off-reservation casino, which is inconsistent with congressional intent. This is often called “reservation shopping,” and it is an abuse of the Indian Gaming Regulatory Act.

The Tribe’s lawyers knew that reservation shopping was a political headache, so they went to the previous administration to obtain the two reservations through administrative action.

Once again, the Federal judge, however, ruled that what the previous administration did was unlawful, so now they need legislation to authorize this off-reservation casino.

The bill was opposed by 10 of the 13 voting Republicans in the committee markup. Ranking Member Rob Bishop was one of those. These Members are joined by Ameri-

cans for Limited Government, the American Principles Project, the Coalition for American Values, Eagle Forum, the Governor of Rhode Island, Wampanoag Tribe of Gay Head, Congressman David Cicilline, Congressman James Langevin, and President Donald Trump in opposing this bill.

President Trump tweeted that he opposed the bill and urged Members of Congress to do the same last week. House Minority Whip Steve Scalise also sent an email recommending Members vote “no” on H.R. 312.

The bill is also strenuously opposed by the only other Federally-recognized Tribe in Massachusetts.

All of this opposition was enough to have the bill pulled from consideration by the House of Representatives under the suspension of the rules procedures one week after it was considered in committee with no bill report or score—actually, there was a bill report but no score from the Congressional Budgetary Office.

Now, the Democrat leadership is using a closed rule and not allowing any amendments to get this controversial bill out of the House of Representatives. Given that H.R. 312 authorizes an off-reservation casino, bails out a foreign corporation from major financial problems of its own making, and reverses the judgment of a Federal court and contradicts Interior and Supreme Court decisions, it is no wonder that the majority had to resort to these drastic measures.

I urge everyone to vote “no” and to oppose this bill that sets a dangerous precedent that will open the floodgates to off-reservation Tribal casinos all over the United States if enacted into law.

Once again, I want to reiterate, if you have a problem with the Indian Gaming Regulatory Act, let’s do the wholesale changes on a massive scale, not do it one piece at a time, one Tribe at a time, not allowing lawful actions to occur.

So, I ask all my colleagues to vote “no” against this bill. Send a clear message that we have got to follow the law or change it wholesale for everybody.

Mr. Speaker, I ask a “no” vote from my colleagues, and I yield back the balance of my time.

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

Upholding the establishment of Tribal homelands should be, and is, one of the most important actions that this Congress can take. It is not just about tax-exempt status or economic development, both of which are vitally important to Tribal communities.

It is also about the construction of schools, housing, clinics, elder care facilities, things that are extremely vital to the quality of life and well-being of Tribal members.

It is also about recognizing a Tribe’s historical, cultural, and spiritual connection.

It is not about protecting a market share. It is not about the tweets from the President. It is not about the scare tactics and hysteria of off-reservation gaming that is constantly used in trying to fight the self-determination and the ability of Tribes to take care of themselves.

And it is about identity.

I want to just follow up on the gentlewoman from Kansas’ comment. To

ensure Tribal sovereignty and self-governance, land is critical to the connection of people to their land. And the real-world decisions that we are making have real consequences.

To strip people of their land is to strip them of their identity, to strip them of their self-governance and their self-determination. It is a sad state that, nearly 400 years later, the Mashpee still have to fight for land that is rightfully theirs.

But we can remedy that today.

I want to thank our colleagues Mr. KEATING and Mr. KENNEDY, as well as the entire Massachusetts delegation, for spearheading this effort to save the Mashpee’s land, preserve their way of life, and reestablish and not allow a precedent to stand where trust land that was given is taken away.

This is an important piece of legislation with implications across Indian Country.

Mr. Speaker, I urge the swift adoption of H.R. 312, and I yield back the remainder of my time.

Ms. MOORE. Mr. Speaker, I include in the RECORD the following letter from the Wampanoag Tribe of Gay Head Aquinnah expressing their concerns about this legislation. I want to reiterate that I support this legislation. However, I believe it is important that the concerns of this sister tribe be included in this debate.

WAMPANOAG TRIBE OF
GAY HEAD AQUINNAH,
Aquinnah, MA.

To: The United States House of Representatives, Honorable Representatives

From: Chairwoman Cheryl Andrews-Maltais, The Wampanoag Tribe of Gay Head Aquinnah (The Aquinnah Wampanoag)

Date: May 15, 2019

Re: H.R. 312

THE WAMPANOAG TRIBE OF GAY HEAD AQUINNAH (AQUINNAH WAMPANOAG TRIBE) STRENUOUSLY OPPOSES H.R. 312, MASHPEE WAMPANOAG TRIBE RESERVATION REAFFIRMATION ACT

The Wampanoag Tribe of Gay Head Aquinnah (Aquinnah Wampanoag) strenuously opposes the above referenced Bill due to the fact that it creates two classes of Tribes within the same Wampanoag Tribal Nation.

H.R. 312 unfairly provides a pathway for economic development for one Tribe (the Mashpee Wampanoag) while simultaneously creating an obstruction to the other Wampanoag Tribe (the Aquinnah Wampanoag) whose Tribal community also lives within the same shared Ancestral territory of the Wampanoag Nation.

The Bill sets forth a pathway for one Tribe (the Mashpee) to acquire lands in trust outside of its original homeland “village site” of the Town of Mashpee and does not provide the same opportunity for the other Tribe (the Aquinnah).

H.R. 312 also removes all clouds of the applicability of the Indian Reorganization Act (as Amended), and all other laws enacted for the benefit of Federally Recognized Tribes for one Tribe (the Mashpee) and not for the Aquinnah who is of the same Wampanoag Nation and who was federally recognized 25 years earlier.

The Bill provides a remedy to the Department of the Interior’s (DOI’s) egregious determination that the Wampanoag are not eligible to have lands taken into trust for one Tribe (the Mashpee Wampanoag), while

omitting the other Wampanoag Tribe (the Aquinnah Wampanoag) from this remedy from which the Aquinnah Wampanoag are also suffering.

The Aquinnah Wampanoag would support this Bill, H.R. 312 if included as part of “and for other purposes”. The simple request is for a simple amendment to create fairness, equity and parity for both Wampanoag Tribes within Massachusetts.

SEC. (d) REAFFIRMATION OF INDIAN TRUST LAND TO ALSO INCLUDE THE WAMPAOAG TRIBE OF GAY HEAD AQUINNAH (THE AQUINNAH WAMPAOAG)

(a) IN GENERAL.—The taking of any land into trust by the United States for the benefit of the Wampanoag Tribe of Gay Head Aquinnah of Massachusetts is reaffirmed as trust land and the actions of the Secretary of the Interior in taking that land into trust are ratified and confirmed.

(b) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian Tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 5101 et seq.)), shall be applicable to the Wampanoag Tribe of Gay Head Aquinnah and its Tribal members.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 377, the previous question is ordered on the bill, as amended.

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.

The SPEAKER pro tempore. 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.

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 9 of rule XX, this 15-minute vote on passage of the bill will be followed by 5-minute votes on:

The motion to suspend the rules and pass H.R. 375; and

The motion to suspend the rules and pass H.R. 1892.

The vote was taken by electronic device, and there were—yeas 275, nays 146, not voting 10, as follows:

[Roll No. 207]

YEAS—275

Adams	Calvert	Crist
Aguilar	Carbajal	Crow
Allred	Cárdenas	Cuellar
Amodel	Carson (IN)	Cunningham
Armstrong	Cartwright	Davids (KS)
Axne	Case	Davis (CA)
Babin	Casten (IL)	Davis, Danny K.
Bacon	Castor (FL)	Davis, Rodney
Barragán	Castro (TX)	Dean
Bass	Chu, Judy	DeFazio
Beatty	Cisneros	DeGette
Bera	Clark (MA)	DeLauro
Bergman	Clarke (NY)	DelBene
Beyer	Clay	Delgado
Bishop (GA)	Clyburn	Demings
Blumenauer	Cohen	DeSaulnier
Blunt Rochester	Cole	Deutch
Bonamici	Connolly	Diaz-Balart
Boyle, Brendan	Cook	Dingell
F.	Cooper	Doggett
Brindisi	Correa	Doyle, Michael
Brown (MD)	Costa	F.
Brownley (CA)	Courtney	Duffy
Bustos	Cox (CA)	Engel
Butterfield	Craig	Escobar

Eshoo	Lieu, Ted	Roybal-Allard
Espallat	Lipinski	Ruiz
Evans	Loebach	Ruppersberger
Ferguson	Loftgren	Rush
Finkenauer	Lowenthal	Sánchez
Fitzpatrick	Lowe	Sarbanes
Fletcher	Lucas	Scanlon
Foster	Luján	Schakowsky
Frankel	Luria	Schiff
Fudge	Lynch	Schneider
Gabbard	Malinowski	Schrader
Gallego	Maloney,	Schrier
Garamendi	Carolyn B.	Scott (VA)
Garcia (IL)	Maloney, Sean	Scott, Austin
Garcia (TX)	Massie	Scott, David
Golden	Mast	Serrano
Gomez	Matsui	Sewell (AL)
Gonzalez (OH)	McAdams	Shalala
Gonzalez (TX)	McBath	Sherman
Gottheimer	McClintock	Sherrill
Green (TX)	McCollum	Simpson
Grijalva	McEachin	Sires
Haaland	McGovern	Slotkin
Hagedorn	McHenry	Smith (NJ)
Harder (CA)	McNerney	Smith (WA)
Hastings	Meeks	Soto
Hayes	Meng	Spanberger
Heck	Moolenaar	Speier
Higgins (NY)	Moore	Stanton
Hill (CA)	Morelle	Staubert
Himes	Moulton	Stefanik
Hollingsworth	Mucarsel-Powell	Stevens
Horn, Kendra S.	Mullin	Suozzi
Horsford	Murphy	Takano
Houlihan	Nadler	Thompson (CA)
Hoyer	Napolitano	Thompson (MS)
Huffman	Neal	Thompson (PA)
Hurd (TX)	Neguse	Thornberry
Jackson Lee	Newhouse	Titus
Jayapal	Norcross	Tlaib
Jeffries	Nunes	Tonko
Johnson (GA)	O'Halleran	Torres (CA)
Johnson (TX)	Ocasio-Cortez	Torres Small
Joyce (OH)	Omar	(NM)
Kaptur	Pallone	Trahan
Katko	Panetta	Trone
Keating	Pappas	Underwood
Kelly (IL)	Pascrell	Upton
Kennedy	Payne	Van Drew
Khanna	Perlmutter	Vargas
Kildee	Peters	Veasey
Kilmer	Peterson	Vela
Kim	Phillips	Velázquez
Kind	Pingree	Visclosky
King (NY)	Pocan	Walden
Kirkpatrick	Porter	Walorski
Krishnamoorthi	Pressley	Wasserman
Kuster (NH)	Price (NC)	Schultz
LaMalfa	Quigley	Waters
Lamb	Raskin	Watkins
Larsen (WA)	Reed	Watson Coleman
Larson (CT)	Reschenthaler	Welch
Lawrence	Rice (NY)	Wexton
Lawson (FL)	Richmond	Wild
Lee (CA)	Rogers (KY)	Wilson (FL)
Lee (NV)	Rooney (FL)	Yarmuth
Levin (CA)	Rose (NY)	Young
Levin (MI)	Rouda	
Lewis	Rouzer	

NAYS—146

Aderholt	Collins (GA)	Graves (MO)
Allen	Collins (NY)	Green (TN)
Amash	Comer	Griffith
Arrington	Conaway	Grothman
Baird	Crawford	Guest
Balderson	Crenshaw	Guthrie
Banks	Curtis	Harris
Barr	Davidson (OH)	Hartzler
Biggs	DesJarlais	Hern, Kevin
Bilirakis	Duncan	Herrera Beutler
Bishop (UT)	Dunn	Hice (GA)
Bost	Emmer	Hill (AR)
Brady	Estes	Holding
Brooks (AL)	Fleischmann	Hudson
Buchanan	Flores	Huizenga
Buck	Fortenberry	Hunter
Bucshon	Fox (NC)	Johnson (OH)
Budd	Fulcher	Johnson (SD)
Burchett	Gaetz	Jordan
Burgess	Gallagher	Joyce (PA)
Byrne	Gianforte	Kelly (MS)
Carter (GA)	Gibbs	Kelly (PA)
Carter (TX)	Gohmert	King (IA)
Chabot	Gooden	Kinzing
Cheney	Gosar	Kustoff (TN)
Cicilline	Granger	LaHood
Cline	Graves (GA)	Lamborn
Cloud	Graves (LA)	Langevin

Latta	Ratcliffe	Taylor
Lesko	Rice (SC)	Timmons
Long	Riggleman	Tipton
Loudermilk	Rodgers (WA)	Turner
Luetkemeyer	Roe, David P.	Wagner
Marchant	Rogers (AL)	Walberg
Marshall	Rose, John W.	Walker
McCarthy	Roy	Waltz
McCaul	Rutherford	Weber (TX)
McKinley	Scalise	Webster (FL)
Meadows	Schweikert	Wenstrup
Meuser	Sensenbrenner	Westerman
Miller	Shinkus	Williams
Mitchell	Smith (MO)	Wilson (SC)
Mooney (WV)	Smith (NE)	Wittman
Norman	Smucker	Womack
Olson	Steil	Woodall
Palazzo	Steube	Wright
Palmer	Stewart	Yoho
Perry	Stivers	Zeldin
Posey		

NOT VOTING—10

Abraham	Higgins (LA)	Ryan
Brooks (IN)	Johnson (LA)	Swalwell (CA)
Cleaver	Pence	
Cummings	Roby	

□ 1555

Mr. MARSHALL changed his vote from “yea” to “nay.”

Messrs. BERGMAN, AUSTIN SCOTT of Georgia, SMITH of Washington, HORSFORD, BABIN, and MASSIE changed their 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.

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion 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, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 323, nays 96, not voting 12, as follows:

[Roll No. 208]

YEAS—323

Adams	Bilirakis	Byrne
Aguilar	Bishop (GA)	Calvert
Allred	Bishop (UT)	Carbajal
Amash	Blumenauer	Cárdenas
Armstrong	Blunt Rochester	Carson (IN)
Axne	Bonamici	Carter (TX)
Babin	Bost	Cartwright
Bacon	Boyle, Brendan	Case
Baird	F.	Casten (IL)
Balderson	Brindisi	Castor (FL)
Barr	Brooks (AL)	Castro (TX)
Barragán	Brown (MD)	Chu, Judy
Bass	Brownley (CA)	Cisneros
Beatty	Buchanan	Clark (MA)
Bera	Bucshon	Clarke (NY)
Bergman	Bustos	Clay
Beyer	Butterfield	Clyburn