

where they already have leases or to lose those leases. It's time Big Oil uses it or loses it.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 430. An act to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the "Conrad B. Duberstein United States Bankruptcy Courthouse".

H.R. 781. An act to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam".

H.R. 1019. An act to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayagüez, Puerto Rico, as the "Rafael Martínez Nadal United States Customhouse Building".

H.R. 2728. An act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

H.R. 3712. An act to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse".

H.R. 4140. An act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building".

H. Con. Res. 32. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2403. An act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse".

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse".

S. 3009. An act to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the "J. James Exon Federal Bureau of Investigation Building".

S. 3145. An act to designate a portion of United States Route 20A, located in Orchard Park, New York, as the "Timothy J. Russert Highway".

PROVIDING FOR CONSIDERATION OF H.R. 2176, BAY MILLS INDIAN COMMUNITY LAND CLAIMS SETTLEMENT

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1298 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1298

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2176 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Washington, Representative HASTINGS.

All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1298.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 1298 provides for consideration of H.R. 2176, a bill which provides for, and approves, the settlement of certain land claims of the Bay Mills Indian Community.

In lieu of the substitute reported by the Committee on Natural Resources, the rule makes in order the substitute printed in the Rules Committee report. The Rules substitute consists of the text of H.R. 2176 with that same language and the text of H.R. 4115 as reported by the Committee on Natural Resources. That bill provides for, and approves, the settlement of certain land claims of the Sault Sainte Marie Tribe of Chippewa Indians.

This is a fair rule, and it gives the proponents and opponents of the two Michigan Indian land claims bills a straight up-or-down vote on the bills.

Mr. Speaker, the underlying legislation seeks to settle a land claim agreement which was reached in 2002 by the then-Republican Governor of Michigan John Engler and the two tribes. The

current Democratic Governor of Michigan, Jennifer Granholm, has also approved the deal.

Under these bills, both tribes have agreed to relinquish their claims to land in Charlotte Beach, located in Michigan's Upper Peninsula, in exchange for a parcel of land outside of Port Huron, Michigan. The agreement reached between the tribes and the State allows the tribes to conduct gaming on their new land.

If approved by Congress and the President, this agreement secures the private ownership rights of the Charlotte Beach land in question and will help to restore the fair market value of the land. It will also provide the two tribes with an opportunity to help create jobs and economic opportunities in Port Huron while further providing for their membership.

The underlying bill conforms with the Indian Gaming Regulatory Act, and the land being given to the two tribes was selected by the State of Michigan as appropriate places for economic development.

Mr. Speaker, the underlying legislation is nothing new. Under the Constitution, only Congress—not the Department of the Interior or a Federal court—holds the power to settle Indian land title and claims. As such, Congress has taken similar action in at least 14 different instances in recent years when there have been disputed land claim settlements. Not once in those instances did Congress prohibit a tribe from conducting gaming on the tribal lands. We also never forced a tribe to jump through hoops to exercise its right to do what it wishes on its own land. I see no reason why we should start now.

Mr. Speaker, I have little doubt that today's debate on this issue will be both spirited and intense. Nevertheless, I am hopeful that the House will do the right thing and pass this rule and the underlying legislation.

□ 1045

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and namesake from Florida, the other Mr. HASTINGS, for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, this bill deals specifically with Indian land claims settlements in Michigan and designating new tribal trust lands that will be used to open any new Indian casinos in two Michigan towns.

The Michigan delegation is split in their support and opposition to this legislation, with the two Representatives whose districts will become home to the new casinos being strongly in favor of this proposal.

Generally, Mr. Speaker, it has been my long-held view that when it comes

to matters that affect individual congressional districts that the House should give great consideration and deference to the views of the Representatives elected by the voters in those districts.

However, I know many of my colleagues join me in having various serious concerns about our Nation's broken Indian gaming law, as well as the troubling issue of Indian tribes seeking to acquire new, prime locations to open casinos where no business or interest would be allowed to do so otherwise, and doing this without the ability of the local community to have a say in the expansion of gambling in their community.

These aren't just matters affecting Michigan. They affect States across the Nation. Yet, this House is not being permitted to debate needed improvements to Federal Indian gaming law.

This totally closed rule blocks every single Member of this House from coming to the floor and offering an amendment to this bill. The House is being severely restricted and is spending its time refereeing a parochial Michigan dispute instead of addressing the larger, more serious matters confronting other States.

This violates the promises made by the liberal leaders of this House to the American people to operate in an open manner. This is not an open process, Mr. Speaker. It's a closed process. It's not open when debate is restricted only to Michigan when, in fact, there are very serious issues affecting many States all across this country.

Congress created the ability of Indian tribes to get special treatment in opening casinos, and we've got a duty to police this process.

The Federal Indian Gaming Regulatory Act is broken and needs improvement. The simple fact the House is spending several hours today debating this Michigan matter is evidence that the law is broken.

If the House is going to spend time debating this subject, we should be fixing the larger problem. And if Congress is going to spend its precious time resolving a Michigan dispute, then we could use some real help in the State of Washington, my home State, where the citizens are seeing a dramatic expansion of Indian gaming, more casinos, bigger casinos, higher betting limits, with big profits being collected, and yet our State doesn't get one dime in revenue sharing.

One of the reasons the proponents of this Michigan legislation, including the State's Governor, argue in favor of creating this new tribal land and two new casinos is because it will bring in millions of dollars in more revenue to the government of Michigan.

Yet, in my home State of Washington, our State government gets nothing from Indian casinos that generate over \$1.3 billion a year in revenue. In fact, there was a proposed revenue sharing of \$140 million a year that the Governor of Washington State re-

jected without input from the citizens of the State or a vote of the State legislature. Some would say, well, your Governor made a terrible deal, and I would, of course, wholeheartedly agree. But there is something seriously wrong if a law allows giveaways of this magnitude to Indian casinos.

But instead of allowing the House to discuss and consider amendment on the larger issues of revenue sharing, compact negotiations, and off-reservation gaming, today's debate is restricted just to Michigan.

Meanwhile, the liberal leaders of this House continue to refuse to let Representatives consider and vote on solutions to lower the price of gas in our country.

Prices are skyrocketing. In Florida, the average price for a gallon of unleaded regular gasoline is \$4.03. In Michigan, it's \$4.07. In my State of Washington, it's \$4.33. That's 31 cents higher than just a month ago and \$1.20 higher than a year ago.

Mr. Speaker, our Nation needs to produce more American-made energy. We have the resources and technology to do it now. Now we just need to get the will of Congress here to allow it. For far too long, our Nation's reserves have been off limits. We can't afford these policies anymore, Mr. Speaker.

America has abundant reserves in Alaska, in the West and offshore. Let's produce more oil and natural gas here in our country.

But of course, this isn't the only answer. We need to invest in more nuclear power, hydropower, wind, solar, and other new energy sources. But all of this needs to happen in addition to tapping our own oil and gas reserves.

Gas prices just keep going up and the liberal leaders of this Congress just can't say "no" to American-made energy anymore.

Let the House debate proposals to generate more energy here in America. Stop blocking a House vote on tapping into America's oil and gas reserves while the price of gasoline climbs higher and higher.

So, Mr. Speaker, I will urge my colleagues to vote "no" on the previous question so that the House can right away debate solutions to our higher gasoline prices.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I would urge my friend from Washington—I understand his passion and the need to stay on message about gas prices, but we're here talking about House Resolution 1298, which is the Bay Hills Indian Community, the land settlement matter with the State of Michigan, and a bill that came out of Natural Resources.

My friend is insistent that we do something about oil. Well, when the Democrats on yesterday tried to pass price gouging, it was the Republicans that categorically rejected it. It's kind of hard to do something when people won't let you do nothing, particularly in the other body.

I am very pleased, Mr. Speaker, to yield 2 minutes to my very good friend from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise in strong opposition to H.R. 2176.

I believe this bill will lead to an unprecedented expansion of off-reservation Indian gaming by offering a blueprint to any Indian tribe that wants to circumvent the laws regulating Indian gaming in order to build a casino outside the boundaries of its sovereign territory.

And let me show you, Mr. Speaker, what I'm talking about. We are looking at the two Indian reservations that have requested this special interest legislation. The land they are talking about is hardly an ancestral part of their reservation. It is 350 miles away from their ancestral lands where they already have a casino.

As a Las Vegas Representative in Congress, I do not oppose gaming. I can attest to the positive impact that gaming can have on a community. I have no problem with other communities trying to replicate the Las Vegas experience, and I support the right of tribes to participate in gaming on their reservations, as both of these tribes already do.

But the bill we are considering today is an attempt to circumvent the Indian Gaming Regulatory Act, using a bogus land claim, a bogus land claim that has already been tossed out of State court and Federal court, and the result if this bill passes will be two new off-reservation casinos more than 350 miles from the lands of these two tribes.

Now, why are they coming to Congress? Because they have lost in State court. They have lost in Federal court. They do not comply with the Indian Gaming Regulatory Act. So what do you do if you want a casino 350 miles away from your reservation? You find a friendly Congressman to introduce special interest legislation in Congress.

The SPEAKER pro tempore. The time of the gentlewoman from Nevada has expired.

Mr. HASTINGS of Florida. I yield the gentlelady 1 additional minute.

Ms. BERKLEY. How do we know this land claim is bogus? In his testimony before Congress in 2002, the chairman of the Sault Saint Marie Tribe called this land deal "shady," "suspicious" and "a scam," until his tribe partnered up with the shady, suspicious land deal, and all of a sudden switched his position.

But more than 60 tribes across this country have announced their opposition to H.R. 2176, in which Congress for the first time would allow a tribe to expand its reservation into the ancestral lands of another tribe for the express purpose of gaming.

This bill is opposed by the Department of the Interior, the NAACP, UNITE HERE, and a unanimous House Judiciary Committee. To sum up the issue: Congress is being asked to pass special interest legislation benefiting two tribes, each of which already has

gaming, based on a suspect land claim that has already been thrown out of court, so they can open casinos hundreds of miles from their ancestral lands, in direct competition with existing facilities.

Mr. Speaker, I am honored to be here today with Chairman CONYERS and Congresswoman KILPATRICK to share my opposition to H.R. 2176. I believe this bill will result in an unprecedented expansion of off-reservation Indian gaming by offering a blueprint to any Indian tribe that wants to circumvent the laws regulating Indian gaming in order to build a casino outside the boundaries of its sovereign territory.

As Las Vegas's representative in Congress, I do not oppose gaming. I can attest to the positive impact that gaming can have on a community. I have no problem with other communities trying to replicate the Las Vegas experience, and I support the right of tribes to participate in gaming on their reservations, as both of these tribes already do. But the bill we are considering today is an attempt to circumvent the Indian Gaming Regulatory Act using a bogus land claim that has already been tossed out of both Federal and State court, and the result if the bill passes will be two new off-reservation casinos more than 350 miles from the lands of these two tribes. And beyond that, if this bill becomes law, any one of the more than 500 recognized Native American tribes can argue that they have the right to sue private landowners in an attempt to bargain for gaming somewhere else.

How do we know the land claim is bogus? In his testimony before Congress in 2002, the chairman of the Soo Saint Marie tribe called it "shady," "suspicious," and "a scam." Soon thereafter, his tribe became a party to the deal and switched its position. But more than 60 tribes across the Nation have announced their opposition to H.R. 2176, in which Congress for the first time would allow a tribe to expand its reservation into the ancestral lands of another tribe for the express purpose of gaming.

This bill is also opposed by the Department of the Interior; the NAACP; UNITE HERE; and a unanimous House Judiciary Committee. To sum up the issue: Congress is being asked to pass special interest legislation benefiting two tribes, each of which already has gaming, based on a suspect land claim that has already been thrown out of State and Federal court, so they can open casinos hundreds of miles from their ancestral lands, in direct competition with existing facilities that have helped revitalize a major American city.

If this bill is brought to the floor, I will strongly urge my colleagues to oppose it.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly appreciate the gentleman yielding time to me.

This rule allows us to proceed, and I wish to speak in strong support of the underlying bill, and I rise in very strong support of H.R. 2176, which is sponsored by Mr. BART STUPAK of Michigan and cosponsored by myself and also the companion bill, H.R. 4115, sponsored by Mr. DINGELL, because these bills impact only three congressional districts in this House, only

three, period. And those districts are Mr. STUPAK's and my district and Mr. DINGELL's.

These bills are offered in the spirit of bipartisanship, and they are offered to settle a land claim that has existed in our State of Michigan, actually, for well over 100 years, about 150 years, when the State literally stole land from the Indians.

And after the Indians spent decades seeking justice, the land claim settlement was negotiated by former Governor John Engler, and here is what he had to say about it, Mr. Speaker.

He said: "As Governor of Michigan, it was my duty to negotiate the land settlement agreements between the State of Michigan and Bay Mills and the Sault Tribe in 2002 . . . In December of 2002, I signed the agreement with the Sault Tribe. I am proud that every concerned party involved in this settlement supports this agreement. This is a true example of a State and the Tribes promoting cooperation rather than conflict."

I think it is important to note that these bills are supported by every elected official who represents the City of Port Huron, including the current Governor, Jennifer Granholm, both United States Senators, myself, the State senator there, the State representatives, all of the county commissioners, the entire city council, and most importantly, the citizens themselves who voted "yes" on a city-wide referendum.

It is supported by civic groups. It is supported by educational leaders, by labor leaders like the UAW, by every law enforcement officer in the county, including the county sheriff, the county prosecutor, and the police chiefs.

It is about fairness and opportunity for one of the most economically distressed areas in the Nation, where the current unemployment rate, by best estimates, is somewhere between 14 to 16 percent.

And it has been very unfortunate, in my opinion, that the opponents have been so untruthful about their opposition to these bills.

For instance, they say that it is precedent setting, and yet the truth is in this bill. In section 3(b), the bill states the following: "The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State."

The opponents also say that it allows for off-reservation gaming. Yet the truth is in section 2(a)(2) of the bill. It states: "The alternative lands shall become part of the Community's reservation immediately upon attaining trust status."

And they also say it violates a 2004 Michigan referendum.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Washington. I yield the gentlelady 1 additional minute.

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

The truth is that it actually, the referendum—and as a former Secretary of State, I understand what ballot language actually says—it says, "Specify that voter approval requirement does not apply to Indian Tribal gaming."

So clearly, most of the opposition, Mr. Speaker, to these bills comes from those who already have theirs, and they don't want anybody else to have it.

□ 1100

They don't want competition. And I think that is un-American. This bill is about fairness and opportunity for an area that desperately needs it. It is about justice.

The city of Port Huron is home to the Blue Water Bridge, which is the second busiest commercial artery on the Northern Tier. It is the only international crossing where there is a gaming facility on the Canadian side and there is not one on the U.S. side. And if you were a very good golfer—maybe not me, but a good golfer—you could hit a golf ball and hit that Canadian casino facility right now where 80 percent of the revenues comes from America. Those are U.S. dollars and U.S. jobs that are being sent right across the river.

I urge my colleagues to be fair.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to my good friend, the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. ALCEE HASTINGS, I salute you for bringing this bill to the floor from the Rules Committee. I support the rule, without qualification.

Ladies and gentlemen, why do so many people approve this bill if it has so many problems? Well, because it's a bit like a wolf in sheep's clothing; you don't know what's underneath it. And so reciting all of these folks—starting with the Governor of my State—don't know what's underneath this bill. When H.L. Mencken says it's not about the money, you can bet it's about the money. And when I hear my colleagues say—and I'm going to count the times that it will happen today—"It's not about casinos. This is not about casinos, folks."

Oh, no, that's what it's about. Okay?

Let's start off with something that we should try to get clear. The assertion that this is about getting justice for two tribes who have waited for all these many years to get justice and we finally were able to get it to the Congress. How charming. How disingenuous.

This so-called land claim—and we spent a good amount of time on it—to the extent there really was ever a land claim, arose in the 19th century. It didn't have anything whatsoever to do with the tribe's historical lands or any treaty with the U.S. Government. The Charlotte Beach land in question apparently was a private gift to the tribe—and in those days it was one tribe—by individual members of the

tribe who had brought it. And rather than deed the land directly over to the tribe, the members evidently deeded it over to the Governor of Michigan—neither of the two that have been mentioned—to hold in trust for the tribe. That was back in the 1850s. It's not clear if the previous owner tribal members or anyone else ever told the tribe or the Governor about the gift. In any event, the lands were totally neglected by the tribe. About 30 years later, they were sold off by the State for a long-standing property tax delinquency.

The so-called land claim lay moribund and forgotten for 100 years, as best we can tell. And in 1982 one of these tribes, the Sault, asked the Interior Department to review and pursue a claim for the loss of the Charlotte Beach land. The Interior Department declined, saying the case had no merit. They renewed the request in 1983 and in 1992, getting the same answer each time. The Interior closed the files on the matter, and that was the end of it.

Then one day an enterprising lawyer, a member of the bar doing land research, looking for an Indian land claim he could help engineer and do the authorization to build a new casino outside the established legal process, came across a record of the delinquency sale.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. HASTINGS of Florida. I yield my colleague an additional 1 minute.

Mr. CONYERS. I thank my colleague. By that time, the tribe had divided.

There were two possible candidates for reasserting the claim. The first tribe he contacted, the Sioux, was not interested. But the other one, Bay Mills, was very interested. And so this wonderful lawyer began preparing a case to file based on the delinquency sale he had uncovered and its connection to the tribe he had interest in.

A bare week before the lawsuit was filed, another enterprising gentleman purchased some land within the Charlotte Beach claim area. Coincidental. And within a few months, he had entered into a so-called settlement with the tribe regarding the so-called land claim in which he agreed to give the tribe a parcel of land he already owned near Detroit.

Now, all the other off-reservation casinos are 10 miles away, 20 miles away, not 350 miles away.

He also agreed to sell the tribe some additional land adjacent to the parcel. Enough land for a new casino—and not too far from Detroit.

But the settlement was conditioned on the Interior Department taking the land into trust, a necessary step to its being eligible for an Indian casino.

That part didn't work out like they'd planned, so that settlement was eventually scrapped in favor of Plan B, back to the courts in an attempt to get a favorable court ruling to take to Interior.

As we know, Plan B also failed. So then came Plan C, which brings us here today.

But the three plans are not that different. They all share the same objective. The dif-

ference is just means to an end. Apparently, any means.

And who was backing Mr. Golden? The details are still somewhat shrouded in mystery.

But we do know that the principal stakeholders in this off-reservation Indian casino venture are Michael Malik and Marian Illich, wealthy casino developers from the State of Michigan, who have opened casinos from coast to coast and in Hawaii, bankrolling legislation and referenda as needed to open the way.

And they have also been quite active politically in Washington in recent years as well. I won't go into the details of that now, but I think you get the idea.

Many of the facts I have just recited are in the public record. The essence of the rest were laid out in testimony by one of the two tribes, the Sioux Tribe, the tribe that initially wouldn't take the bait, back before they were persuaded to go after their own short-cut to getting an off-reservation casino.

That statement can be found in the printed hearing of the Senate Committee on Indian Affairs, held on October 10, 2002, on the bill S. 2986, a precursor bill to the one we are considering today.

That was 5 long years ago, of course. And the chairman, or chief, of that tribe at the time, Bernard Bouschor, who gave that testimony, who had held that elected position for 17 years at the time he testified, no longer holds that position.

And his tribe, who now stands to gain an off-reservation casino that could take in hundreds of millions of dollars a year, is now busy doing what they can to disown his testimony.

But if my colleagues find Chief Bouschor's testimony credible, as I do, it certainly lays out the course of events in a way that some were quite likely not aware of before. And any assertion that this is a legitimate Indian land claim just won't stand up to those facts.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank my colleague and friend from Washington for yielding.

You know, Mr. Speaker, the original intent of why we allow gambling on Indian reservations was so that we could give some economic opportunity to full-blooded Indians on their native tribal lands in very remote areas in which hardly any economic opportunity existed.

So what do we have now? Now we see various Indian tribes that have already achieved tremendous economic benefits that are now wanting to put casinos in urban and suburban areas that are long distances from their native tribal lands and where there is a lot of economic opportunity, and to fill those, not even helping any of the people in their tribe who are back on the reservation.

With a bill like this, we have strayed a long ways from the original intent of Indian gambling. Now, this bill is about two tribes specifically in Michigan. I am from California, but yet this trend, this movement, is not limited to just Michigan. Throughout the country, you see groups either trying to create new tribes in urban areas in

order to locate gambling operations or, like these in Michigan, to extend from a remote area and set up new gambling in a new metropolitan area. All of this has nothing to do with the original intent of the Indian gambling laws.

If communities like Detroit, or anywhere, wish to have gambling, they don't need this House; they don't need this Congress; they don't need the Indian gambling laws to do it. Through their State and local communities, they can allow people to gamble. They can set up various gambling operations, if they want, within their community and within their State. That's up to them. But let us not all here in this House, in this Congress, set a trend. Let's not set a precedent. Let's not use Indian tribes in order to dot the urban and suburban areas of this country with monopoly gambling operations.

Mr. HASTINGS of Florida. Mr. Speaker, at this time, I am very pleased to yield 2 minutes to the dean of the House, my good friend, JOHN DINGELL, the gentleman from Michigan.

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

Mr. DINGELL. Mr. Speaker, before us is a very simple responsibility. It is a power that has been exercised exclusively by Congress since the very first Congress in 1789, when in the Indian Nonintercourse Act of that year, only Congress may extinguish Indian land claims. That has been the law ever since.

So before us is simply the question of whether we're going to accept or deny a settlement agreed upon by the tribes and by the State of Michigan to resolve a serious problem in the Upper Peninsula, in the district of our good friend and colleague, Mr. STUPAK.

Having said that, what is going to happen is this legislation will permit us to resolve those questions, to enable Indians to resolve the land claims concerns that they have, and to allow the State of Michigan to resolve its concerns and to allow its citizens to remove clouds over the title on the lands which they own up there, and which will enable the Indians to begin to live a more orderly and proper life.

This legislation was opposed by my friend, Mr. Jack Abramoff, who left a rather spectacular and smelly legacy. And it is a chance for us now to undo some of the nastiness that he sought to do by preventing the resolution of these questions.

I urge my colleagues to support the rule. I urge my colleagues to support the settlement of these rights which were agreed upon between two Governors of the State of Michigan—Governor Engler, a Republican, and Governor Granholm, a Democrat.

And this legislation is not only supported by the affected tribes and citizens of the Upper Peninsula but also by the AFL-CIO and the UAW and a wide roster of other unions that are strongly supportive of this.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I appreciate this opportunity—and to my colleagues, in a bipartisan effort—to make sure we can maintain restrictions on off-reservation casinos and gambling.

I want to point out five key areas, Mr. Speaker, that, I think, are part of the argument.

First and foremost, I do support tribal gaming. I think it's been very successful. As a matter of fact, a number of our properties from Nevada are partners across the country with tribal gaming establishments. So, when the rules are followed, I think it's a very appropriate approach to revenues for the communities.

But first of all, Mr. Speaker, the bill authorizes an unprecedented expansion of off-reservation gaming. Never before has the U.S. Congress been in the business of deciding whether a community should and can have a casino. I don't think it's the job of the U.S. Congress to make decisions for local and State governments. Does that mean someone from Iowa or from Illinois or from Arizona could come in and request to have a casino in their back yard? I don't think that was the intent of the Tribal Gaming Act. And this is a dangerous precedent. It permits unlimited expansion across this country.

Number two, it overrides a careful review process. Currently, Mr. Speaker, if a tribe wants to build a casino, there is a process in place. All the rules must be followed; all inspections must be done. I think that's an appropriate use of the process that's available currently under U.S. law.

Number three, it also violates the 1993 Tribal Compact by the Michigan tribes. I know there are arguments on both sides of that, but there was an agreement made in 1993.

Number four, as a Member of Congress from the great State of Nevada, one of my jobs is to make sure we can uphold the wishes of a particular State. This legislation overrides the wishes of Michigan people. In 2004, there was a referendum that limited gaming to specific areas that were approved by local and State governments. This has not happened in this case.

Number five, I know my colleague from Nevada, Congresswoman SHELLEY BERKLEY, talked about the validity of the land claims. There is a question.

But the bottom line, Mr. Speaker, is, should Members of Congress be making a decision for local communities and for State governments on whether there should be tribal gaming or whether there should be expansion? I stand here today in a bipartisan effort with my colleagues from across the aisle, asking for the balance of this Congress to vote "no." It establishes a dangerous precedent expanding casinos across our country without following the proper rules and regulations.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I appreciate the opportunity to be here, and I appreciate the bipartisan spirit in which this debate is conducted and why this is just a bad idea.

Many of us come to this microphone, to this well, through our conclusions from a whole variety of backgrounds and interests. I think back, not all that long ago, when I had a good friend in town, and we had a great philosophical debate about organized gambling coming to his town. And he was all for it. He had been, I think, the third generation of a great restaurant in that town. It was very well known, well known all over the State, and he said it would boost his business. Well, about 2 years after that casino landed in that town, he closed his doors. I think it was in his family for decades. It broke his heart. There was trembling in his voice when we had a conversation over the phone. Because, when organized gambling comes to your town, there are very few who will make a whole bunch, and there are a whole bunch who will lose a lot.

And it is not the economic tool that people profess. Study after study after study clearly shows there is more net loss, that there is more cannibalization of small businesses around these organized gambling casinos than there is success and benefit that happens inside.

Certainly, the local governments that house them love it; it means cash to them. That's great. But at what price? And we really need to stop ourselves and ask, at what price?

□ 1115

We already have more casinos in Michigan than we have public universities. And this isn't about fairness for this tribe. This tribe has seven casinos already, \$400 million in revenue. And what they are asking to do is something unprecedented. The Federal court ruled against them. The State court ruled against them. But they said let's go around all of those things, including a 2004 referendum by the State of Michigan that said enough is enough, we're going to cap it right here at what we have. They went around all of those things, and it's like putting a casino from a tribe in Washington, DC in Cleveland and saying, "This is part of our heritage, you need to help us." That's not what this is. This is about organized gambling and putting it in a place where they think they can make more than the \$400 million in revenue they are already making.

I just plead with this House and this Congress don't set this precedent. And I don't care if they say it in the bill or not, it is a precedent. And every community in America will wake up one

day and say we can do this too. We can come to Congress. We can show up and go around our States and our legislatures and our people and the courts, and we'll go to Congress too and get special treatment to have an organized gambling casino in a neighborhood near you.

A lot of people speak for both sides of this issue, but very few will speak for the folks who will lose everything when these casinos come to town.

I plead with this House not to do this. It's not the right thing to do. We know it's not the right thing to do. I encourage all of us to vote "no" on the rule and vote "no" on the subsequent legislation.

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

Mr. Speaker, after I made my opening remarks, my friend from Florida stood up and said that I was on message, and I thank him very, very much for the compliment because I was talking about something that the American people clearly, clearly are concerned about, and that is the high energy costs and particularly the high prices of gasoline. So I think, Mr. Speaker, it's time for the House to debate ideas for lowering prices at the pump and for addressing the skyrocketing price of gasoline.

By defeating the previous question, the House will have that opportunity. If the previous question is defeated, I will move to amend the rule, not rewrite the rule, just amend the rule, to make in order and allow the House to consider H.R. 5656, introduced by Representative HENSARLING of Texas.

If this House has time to spend several hours debating Indian land claims and new casinos in Michigan, then it certainly has time to debate the high price of gasoline. It's time we start producing more American-made energy. Our country can't afford the knee-jerk, no-to-any-drilling-in-America approach that the liberal leaders of this House still cling to. The citizens of our country can't afford a Congress that does nothing. It's time for this House to act, and defeating the previous question will allow us to do so.

So, Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues, then, to defeat the previous question so this House can get serious about rising gas prices and so we can start producing American-made gasoline and energy.

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

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

I am forever amazed, Mr. Speaker, at my colleagues' way of going about trying to assert something into measures

that we are dealing with, that, when all is said and done, don't have anything to do with the measure that we're dealing with.

I agree with my colleague that we have a serious crisis in this country having to do with energy policy. But I also would urge him to understand that the President's energy policies have failed this country and that when he and his party were in the majority and had an opportunity to do all the things they are talking about, that many of them were not done.

The fact is there are 68 million acres offshore and in the United States that are leased by oil companies. They are open to drilling and are actually under lease but are not developed. The fact is that if oil companies tapped the 68 million Federal acres of leased land, it could generate additional oil, six times what ANWR would produce at its peak. The fact is 80 percent of the oil available in the Outer Continental Shelf is in regions that are already open to leasing, but the oil companies haven't decided it's worth their time to drill there. And, when they are saying it's not worth their time, they are saying they don't have the equipment to do it. The fact is that drilling in the Arctic Wildlife Refuge wouldn't yield any oil for a considerable period of time in the future, probably as many as 8 to 10 years, and then would only save the consumer less than 2 cents per gallon in 2025.

All of us know all the things to say here. We know to say "switchgrass" and "shale" and "geothermal" and "solar," and we could go on and on and on with the number of potentials for alternative energy. But yesterday, when we tried to do something about price gouging, it was the minority party that defeated the measure, that was on the floor of the House, under suspension.

Now, Mr. Speaker, back to the bill. I support gaming in this country. I support the MGMs and the Harrah'ses of the world and their right to run a casino wherever legally they may be permitted to do so. I support the Seminole Indians and the Miccosukee Tribes in Florida that I am proud to represent. And I support and have supported continuously their right to run a casino. I also support Jai Lai in my community and their right to run a casino. I also support casinos in my community and their right to run a casino, just like I support these two tribes in Michigan as well. I also support competition and economic development and the job creation it can spur. And I take full exception to my colleague from Lansing, who is a dear friend of mine on the other side who spoke earlier. I can attest to job creation in the Seminole and Miccosukee Indian Tribe areas that were told that there would be no jobs created, and literally thousands of people, mostly not Native Americans, are working in those establishments.

Finally, I support all of us in this body coming to terms with what hap-

pened to Native Americans, Africans, and people of Caribbean descent and others after Columbus discovered America in 1492. I'm always reminded of Flip Wilson's comedy routine that he did that, if Columbus discovered America, then the Native Americans must have been running down the shoreline, saying, "Discover me."

So, before Members of this body start talking about Indian tribes unfairly swapping pieces of land, they should remember that the land wasn't ours in the first place. We took it from the tribes and then often relocated them to some far-off, remote, and undesirable place that we could find for them to be placed.

Mr. Speaker, this is not an ideal situation for any of us in this body. We all wish that a unanimous agreement would have materialized in Michigan. Yet, despite a land claims compact being reached by the State and the tribes, a Republican and Democratic governor, some just don't want this agreement to go through, and that is their prerogative. Thus, as it has done at least 14 times in the recent past, Congress must do what is right and settle this dispute. When an injustice has been done and there are efforts to perpetuate that injustice, something must be done. Someone must step in and stop it from happening again.

I urge my colleagues to do just that and to support the previous question, the rule, and the underlying legislation.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1298 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

Sec. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 5656) to repeal a requirement with respect to the procurement and acquisition of alternative fuels. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on House Oversight and Government Reform; and (2) an amendment in the nature of a substitute if offered by Representative Waxman, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for

the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's* "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HASTINGS of Washington. 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 question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 6275, ALTERNATIVE MINIMUM TAX RELIEF ACT OF 2008

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1297 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1297

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6275) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 6275 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1297 provides for consideration of H.R. 6275, the Alternative Minimum Tax Relief Act of 2008, under a closed rule. The rule provides for 1 hour of debate, controlled by the Committee on Ways and Means.

As Americans know, the alternative minimum tax was enacted in 1969 with a very legitimate intent: to ensure fair-

ness in our tax system by avoiding the situation where very wealthy individuals don't pay taxes and to close loopholes. It is in the same spirit of fairness that we consider legislation today that will keep the middle class out of being hit by the alternative minimum tax when it was never intended that they would be caught up in its web and who have been because of inflation and because of no adjustments in the Tax Code.

The Alternative Minimum Tax Relief Act of 2008 will provide, one, 25 million Americans with over \$61 billion in tax relief. Two, it offers property tax relief to homeowners and expands the child and adoption credits to parents. Nearly 50,000 families in my own State of Vermont, Mr. Speaker, will see tax relief from this legislation.

However, in order for the tax relief to be fair, we have to ensure that the cost of the tax relief is not simply passed on, the credit card debt, to our children, and we have already saddled the next generation with \$9 trillion in debt, costing us \$1 billion a day in interest payments, money that could be spent on other, much more productive things. Enacting an AMT patch today when we don't pay for it would simply shift that \$62 billion burden from the middle class on to their children and their grandchildren. What we fail to pay today they will be forced to pay tomorrow with interest.

Furthermore, we do pay for this tax relief by improving the Tax Code. With the bill's offsets, we are closing two very large tax loopholes, one that has benefited very wealthy hedge fund managers at the expense of middle class taxpayers, and let me talk about that first.

The "carried-interest" loophole. It is a preferential rate of capital gains tax, a 15 percent rate that gets applied to income earned by many people who do financial work.

□ 1130

Right now, under current law, the income earned by many investment fund managers at a private equity firm, and hedge funds, are taxed at the lower capital gains tax rate. So you have this very unjustified situation where some of these folks who are making, in some cases, billions of dollars, pay a tax rate lower than the secretaries who work in their firms, and they do this when they don't actually put their capital at risk but manage the capital of others.

A second loophole that is closed in this bill stops major oil companies from receiving what is called a special domestic production subsidy through the Tax Code. As we all know, record gas prices, the record cost of a barrel of oil is resulting in oil company profits that are unparalleled in the history of this country, in some cases, as high as \$11 billion in a single 3-month period. So it's clear that those companies are doing very well and that they do not need continued taxpayer assistance.

I commend Chairman RANGEL and Chairman NEAL and the Committee on

Ways and Means for their excellent work on this legislation, and I encourage my colleagues to support the rule and the underlying legislation.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank my friend, the gentleman from Vermont, for not only yielding me this time to discuss the proposed rule for consideration of the alternative minimum tax, but I want to thank him for his friendship in the committee and the professional nature of the way he conducts himself.

Mr. Speaker, today we are going to debate a tax increase on America. No surprise. The American public has gotten used to this. The tax-and-spend Democrat Congress, the new Congress, the new way to run Washington, D.C. has resulted in not only economic failures here in this country the last 18 months but also higher gas prices, the inability that we have to control the flow in energy that comes into this country and has made us now more than ever to where we have to go get our energy overseas, send our money overseas, and not be able to be energy sufficient here in this country.

But now I find out that the excuse for raising taxes on Americans today is that there's a loophole in the tax law—a loophole—and unintended consequences. The bottom line is that it's the tax law, it was therefore reasoned, and the opportunity for us to grow our economy and build jobs and have job creation and to protect the American consumer is why these were parts of the tax law. It is not unintended consequences, it is not a loophole, it is the law, the tax law of the United States that I am very proud of, and I am disappointed to see that the Congress today will be debating new tax increases on the American people.

So I rise in strong opposition to this closed rule, yet another closed rule by this new majority that we have here, and to the underlying legislation, which takes the baffling approach, once again, of raising taxes on Americans and on the American economy during a downturn of our economy, rather than taking a way to prevent a tax increase on hardworking and unsuspecting middle class taxpayers, which sets the stage for even more job-killing tax increases in the very near future just to prevent the current low-tax policies that Republicans in Congress worked so hard to pass and to support on behalf of American taxpayers.

I think it's interesting, Mr. Speaker, that when Republicans bring tax bills to the floor of the House of Representatives, we are able to tout how many jobs our tax bill will create, how many jobs the economy will create. I have never, ever heard of a Democrat tax-and-spend bill that then touts how many jobs will be created, because they don't. They kill jobs. They kill jobs in America every time we do what we are doing today with the new Democrat majority to raise taxes on America.