

PROVIDING FOR CONSIDERATION OF H. RES. 994, EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES ON FIFTH ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 996 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 996

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 994) expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) four hours of debate equally divided and controlled by the Majority Leader and Minority Leader or their designees; and (2) one motion to recommit which may not contain instructions.

SEC. 2. During consideration of House Resolution 994 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the resolution to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule provides for 4 hours of debate in the House, equally divided and controlled by the majority leader and minority leader or their designees. It waives all points of order against consideration of the resolution and also provides one motion to recommit, which may not contain instructions.

Finally, it provides that notwithstanding the operation of the previous question, the Chair may postpone further consideration of the resolution to a time designated by the Speaker.

Mr. Speaker, we are here today, 5 years after the tragedy of September 11, to speak with one voice to let the world know that we have not forgotten the lessons of that terrible day. We are here to remember the thousands ruthlessly murdered by our enemies who hijacked four civilian aircraft and crashed them into the World Trade Center towers, the Pentagon and a field in Pennsylvania, and to recognize the unimaginable losses suffered by their families. We are also here to honor the sacrifices and the courage shown by our first responders who selflessly

rushed to the flaming buildings in order to rescue the victims of these attacks.

We are also here to let our allies in the war on terror know that we stand united with them in the war on terror, and to recognize the progress that continues to be made by our Federal intelligence, law enforcement and security agencies in conjunction with intelligence, law enforcement and security agencies of our allies, in keeping Americans safe. And we are here to remind these allies and to place our enemies on notice that we will never shirk from the war on terror and that we will never forget what happened on September 11, 2001.

The six-page resolution should be recognized by every Member of this body as an opportunity to remember our Nation's tragic loss and to encourage every American to do the same. It is an opportunity to extend our sympathies to the families of the lost and to honor those who risked their own lives and health trying to protect the lives and health of others.

It is an opportunity to extend our gratitude to our intelligence and military personnel serving at home and abroad and their families for their service. It is to thank the citizens of other nations who are contributing to the effort to defeat global terrorism.

More importantly, it is an opportunity by this body to reaffirm that we remain vigilant and steadfast in the war on terror, that we remember the sacrifices made by so many innocent Americans on September 11 and that we will never succumb to the cause of terrorists.

Mr. Speaker, the resolution that will be brought here before the House for a vote is an earnest, heart-felt and comprehensive resolution putting the House on record and standing once again against terrorism.

This House already has a strong record on this topic and has already passed a number of bills designed to accomplish the main goal laid out in this resolution, to remember the lessons of 9/11 and to honor the victims by preventing another attack on American soil. We have voted to give our law enforcement the tools they need to prosecute the war on terror in the United States and throughout the world, and through the passage of the USA PATRIOT Act and its reauthorization we have once again reaffirmed that.

We have voted to implement a key component of the 9/11 Commission by creating Federal standards for the application process in the issuing of State identification cards through the REAL ID Act.

□ 1115

And this House has voted to secure our borders through the Border Protection, Antiterrorism, and Illegal Immigration Control Act and to defend our ports through the Security and Accountability for Every Port Act. We have made important reforms in the in-

telligence community through the Intelligence Reform and Terrorism Prevention Act and provided our first responders with the resources that they would need with our annual Homeland Security authorization and appropriations process.

Mr. Speaker, this House has accomplished a great deal on behalf of the American people to ensure the citizens of the United States that they can be safe here and abroad, but we understand that this job is not yet done. Next week the House is scheduled to consider legislation that will build upon all of this hard work, legislation to further boost our national security and to give our law enforcement the tools it needs to prevent our shadowy, ever-shifting, and determined enemy to once again demonstrate that we do not rest in the war on terror and that we will not forget.

I encourage all of my colleagues to join me in supporting this rule to let our allies and our enemies alike know that we will continue the war on terror both in memory of those murdered on September 11 and for the generations still to come who will look back and evaluate our ability to put partisanship aside and to stand together on behalf of our Nation, our citizens, and, in fact, our civilization.

I encourage all of my colleagues to support this resolution.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Texas (Mr. SESSIONS), my friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, today we remember that terrible day of September 11, 2001. We continue to mourn for those who are lost. Our hearts continue to ache for the loved ones left behind. We honor those first responders who saved so many lives. We continue to stand firm as we pursue justice against those who perpetrated those attacks. And we remain committed to finding and eliminating terrorists around the world.

Mr. Speaker, almost every year since 2001, Congress has passed resolutions commemorating the September 11 attacks. In past years those resolutions have been thoughtful, appropriate, and solidly bipartisan, as they should be. Sadly and unfortunately, that is not the case this year.

Instead, the Republican leadership of this House has chosen to include controversial language in the resolution, including language celebrating the passage of legislation that many of us, both Democrats and Republicans, find to be deeply problematic.

For example, the resolution before us celebrates the passage of the USA PATRIOT Act, which I and many others, Republicans and Democrats, believe went too far in sacrificing American's constitutional civil liberties.

Rand Corporation terrorism expert Brian Michael Jenkins recently made

this point very well. He argues that strengthening America must involve preserving American values. And I quote: "We cannot claim to be a Nation of laws, a champion of democracy, when we too easily accept a disturbing pattern of ignoring inconvenient rules, justifying our actions by extraordinary circumstances, readily resorting to extrajudicial actions based on broad assertions of unlimited executive authority, and espousing public arguments against any constraints on how we treat those in our custody. The defense of democracy demands the defense of democracy's ideals. To ignore this is to risk alienation and isolation. And defeat."

Additionally, Mr. Speaker, the resolution before us celebrates the 2005 passage of what many of us consider to be a punitive, controversial immigration bill, a bill that couldn't even pass the Republican Senate and a bill that President Bush does not even support.

Mr. Speaker, it did not have to be this way, and it should not be this way. On Monday night the United States Senate passed its own version of the September 11 resolution, S. Res. 565, and I will insert a copy of the Senate bill at the conclusion of my remarks.

Mr. Speaker, the Senate bill approaches this issue the right way. It sticks to remembering the victims, condemning the attacks and their perpetrators, recommitting the United States to fighting terrorism, and commending the members of our Armed Forces, law enforcement personnel, first responders, members of the intelligence community, and others who are on the front lines of this effort. The Senate bill was cosponsored by every single Senator, Republican and Democrat. Every single Senator put their names on this bill, and it was passed unanimously. For the life of me, I cannot figure out why the same thing is not good enough for the leadership in this House. Why on this subject, where unity is vitally important, does the leadership of this House seek disunity? Let us commemorate, not politicize, September 11.

This resolution should not be a Republican resolution. It should be a resolution that defies party label. I am worried that some in this House are so consumed with politics that they would use this terrible tragedy for partisan gain, and I find that offensive.

The resolution before us also states as fact that "the Nation is safer than it was on September 11, 2001." Mr. Speaker, I would argue that the actions of this administration, particularly the war in Iraq, have made us less safe. Five years ago the world stood in sympathy and solidarity with America. Today, America's standing in the world is at the lowest point in history. Mr. Speaker, we invaded and now occupy a country that posed no imminent threat to the United States. Despite definitive and repeated findings that there were no ties between Iraq and al Qaeda, a finding most recently echoed by the

Republican-controlled Senate Intelligence Committee, the President and Vice President continue their misleading efforts to link al Qaeda, Osama bin Laden, Iraq, and 9/11 all together.

The war in Iraq and the war against terrorism are distinct. The present Iraq policy, many of us believe, has made us less safe and must be changed. Even our top generals in Iraq have conceded that our policy in Iraq has actually produced more terrorists. This does not make us safer, Mr. Speaker. It makes us more isolated and more vulnerable in an increasingly dangerous world.

We know that resources were diverted from Afghanistan, where the 9/11 deadly plot was born, in order to invade and occupy Iraq. And we know now that the trail of Osama bin Laden, the mastermind of 9/11, has grown stone cold. We know that the President's policies in Iraq have put an enormous strain on our military, with U.S. military readiness levels now at historic lows.

We know that the independent 9/11 Commission has just issued a 5-year report card on President Bush and the Congress filled with D's and F's on homeland security. And I think we all know, if we are being honest with ourselves, that we in this Congress have underfunded so much of our homeland security.

We know that the invasion and occupation of Iraq has increased the budget deficit to record proportions because this administration and Congress have done what no other President and Congress have ever done in the history of the United States: they have continued to fund this war completely outside the normal budget and to grant a series of tax cuts to the wealthiest of the wealthy during a time of war.

And we know, Mr. Speaker, that Iraq is rapidly descending into an ethnic and religious civil war with a daily civilian toll that tells every single Iraqi that nowhere is safe from violence, not their homes, not their jobs, not their schools, not even their hospitals.

Mr. Speaker, this resolution could have been, should have been a thoughtful, bipartisan commemoration of September 11, its victims, and the men and women who fight to protect us each and every day. That is what we should have on the floor today. Unfortunately, the resolution before us does not meet that standard.

Members of this House have differences about policy. There are differences about the war in Iraq, and I respect and appreciate my colleagues on the other side of the aisle who have a very different opinion on this war than I do. We have differences about protecting civil liberties. We have differences about how best to deal with immigration. But there are no differences, there are no differences, when it comes to honoring the memories of those lost on September 11. There are no differences when it comes to commending the men and women on the front lines of the war on terror. And

there are no differences when it comes to the desire to protect this country from future terrorist attacks.

Mr. Speaker, I regret that the leadership of this House, during this most solemn week, has chosen not to focus solely on the things that bring us together as Members of Congress and as Americans.

S. RES. 565

Whereas on September 11, 2001, terrorists hijacked four civilian aircraft; crashed two of them into the towers of the World Trade Center in New York City; and crashed the third into the Pentagon outside Washington, DC;

Whereas the fourth hijacked plane, United Airlines Flight 93, crashed in Somerset County, Pennsylvania, near the town of Shanksville, after the passengers and crew of that flight struggled with the terrorist-hijackers to take back control of the plane, ultimately preventing the flight from reaching its likely destination in Washington, DC;

Whereas the heroic actions of the rescue workers, volunteers, Federal, State and local officials who responded to the attacks with courage, determination, and skill are to be commended;

Whereas thousands of innocent Americans, and civilians from many other countries, were killed and injured as a result of these attacks;

Whereas Congress declared, in the aftermath of the attacks, September 12, 2001 to be a National Day of Unity and Mourning;

Whereas there has not been a terrorist attack on the United States homeland since the terrorist attacks five years ago; but al Qaeda has perpetrated terrorist attacks throughout the world against U.S. persons, facilities, and interests, as well as U.S. allies during that time; Now, therefore, be it

*Resolved*, That the Senate:

(1) commemorates the life of each individual who died as a result of the attacks of September 11, 2001;

(2) extends its deepest condolences to the victims of these attacks, as well as to their families, friends, and loved ones;

(3) once again condemns in the strongest possible terms the attacks, the terrorists who perpetrated them, and their sponsors;

(4) commits to support the necessary steps to interdict and defeat terrorists who plot to do harm to the American people;

(5) recommit itself and the nation to bringing to justice the perpetrators of the attacks, along with their sponsors;

(6) honors and expresses its gratitude to members of its Armed Forces, law enforcement personnel, first responders, members of intelligence community and others who have bravely and faithfully participated in the War on Terrorism since September 11, 2001;

(7) declares September 11, 2006, to be a National Day of Remembrance, in commemoration of the terrorist attacks against the United States on September 11, 2001; and

(8) declares that when the Senate adjourns today, it stand adjourned as a further mark of respect to each individual who died as a result of the attacks of September 11, 2001.

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

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

Mr. Speaker, the gentleman, my colleague, from Massachusetts does clearly talk about the differences of opinion that we have, and I respect that difference. I would also say that this body has an obligation to move forward and work on issues that we think are correct and right. And quite honestly, Republicans do see what has happened to

this country, I believe, in a significantly different way than what my colleagues, the Democrats, see.

Several months ago we had a vote, and we have done this several times, but a vote on the intelligence bill where the Democrat Party wanted and had a vote on the floor that would require law enforcement and intelligence to release every single name of every single person under investigation by the FBI and intelligence agencies to the Congress, to nonlaw enforcement officials. These are the kinds of ideas that Ms. PELOSI and the Democrats have about how we go about protecting this country. We politely disagree.

The resolution here today is not about policy as it relates to what we are trying to pass today. It is about how this act that happened on 9/11 we will not forget. We will thank the men and women who protected us that day. We will stand behind the men and women of our military and intelligence organizations. We give thanks to the families who are here in this country whose loved ones serve on the front lines. And, lastly, we will let our allies know and the terrorists know that we will stay to the end. That is what this resolution is about.

Mr. Speaker, I yield such time as he may consume to the chairman of the Rules Committee, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. And I want to congratulate the gentleman from Dallas for his very hard work and superb management of this important resolution that we are considering here.

Mr. Speaker, 5 years ago this week, an act of war pierced the security and peace of our Nation. The murder of nearly 3,000 by terrorist fanatics shook our country to its core and stirred within each and every one of us the determination to defend our freedom and our liberty with all of our might.

The global war on terror, a war that we did not start, has delivered many successes. Most of the top leadership of al Qaeda have been captured or killed. In Iraq and Afghanistan, where terror was once cultivated and exported, 50 million people now have democratically elected governments. Some of the most wanted terrorists in Iraq, such as Osama bin Laden's deputy Abu Musab al-Zarqawi, are no longer free to wantonly murder.

There have been quiet successes that fall beyond the scope of the military and away from the field of battle, Mr. Speaker. Following passage of the PATRIOT Act, we have seen terrorist cells that have been broken up here in the United States, five in particular, domestic terrorist cells that have been broken up because of the existence of the PATRIOT Act.

□ 1130

And we have also seen the breakup around the world of these cells because of legislative initiatives that we have taken since September 11, 2001. The Justice Department has won 253 con-

victions in terror-related cases across the United States.

Intelligence gathering and cooperation between allies resulted in foiling a plot to blow up commercial airliners flying from London to the United States just weeks ago. It is absolutely essential that those in charge of keeping us safe have every tool necessary to do so.

The results of these diplomatic, intelligence, and military efforts are encouraging. Five years after September 11, 2001, our homeland has not been attacked again, and that seems to be so often forgotten, Mr. Speaker. Every day we thank God that, because of what we have done and because of the initiative of our courageous men and women, the United States of America has not seen an attack in 5 years, when many predicted that we would see them follow immediately following September 11, 2001. Yet, as the years prior to 9/11 proved, periods of security at home can lead to a false security. An enemy that has no regard for human life and no tolerance for freedom is an especially fierce foe. They act and operate according to the belief that, in the words of Osama bin Laden, and I quote, "death is better than living on this earth with the unbelievers amongst us." Those are the words of bin Laden.

Mr. Speaker, like the Cold War, the global struggle will be measured in decades, not years or months. While it is important and appropriate to question the tactics used in the global war on terror, there can be no doubt that it is critical to stay vigilant, stay committed, and stay on the offense. There have been many trying and somber days in the prosecution of this war, and there will be many more to come. We are especially thankful, as the gentleman from Dallas just said, to our men and women in uniform, from local law enforcement to those in the military. We offer our deepest appreciation for the opportunity they have given our Nation to know safety and freedom.

Now, Mr. Speaker, as we proceed with this legislation, I am convinced that, contrary to what was said by my friend from Massachusetts, this resolution will enjoy strong bipartisan support just as resolution after resolution that we have passed since September of 2001 have enjoyed.

Now, I have gone through and looked at past resolutions that have enjoyed great support from Democrats and Republicans in this House, and they have gone through many of the things that we have done to recognize what it has taken to be successful. And I believe that focusing on our border security is critical for that, and that is why the House-passed version of the border security measure was important. And I am pleased that we have the chairman of the Homeland Security committee, Mr. KING. He has worked very hard on this and testified yesterday on behalf of the nexus between our security and

the fact that border security is national security.

Similarly, we have found that by breaking up the financial network through legislation like the SWIFT program, which has enjoyed great success, and unfortunately was disclosed in the media, we have had success in breaking up the financial aspect of those who would do us in because of the initiatives that we and this administration have taken. Mr. Speaker, I would argue that had we not taken the initiatives that we have over the past 5 years, things like the PATRIOT Act, we would not be here today without having suffered another attack on our soil.

Today, we express our condolences, our thoughts and prayers with the families and the loved ones of those who paid the ultimate price on September 11, 2001, and the single best thing that we can do for every single one of them and their families is to ensure that we put into place the tools necessary so that it will never, ever happen again.

Mr. MCGOVERN. Mr. Speaker, I appreciate the comments from both my friend from Texas and my chairman of the Rules Committee, Mr. DREIER, the gentleman from California, and I would just say that that was a really good campaign speech as he went through a litany of issues. But this is not a day for campaign speeches.

Mr. DREIER. Would the gentleman yield?

Mr. MCGOVERN. Once I finish my sentence.

Mr. DREIER. I was just accused of making a campaign speech when I am talking about the reverence of September 11.

Mr. MCGOVERN. And I would say to the gentleman that on Monday, those Members who were in town, Republicans and Democrats, gathered on the East Front of the Capitol in solidarity. There were no campaign speeches, there was no politics. People gathered in solidarity together to commemorate those who lost their lives and to honor those who gave such tremendous sacrifice on September 11th.

The United States Senate on Monday night had a resolution that every single Member of the United States Senate, Republican and Democrat, both, all co-sponsored and passed unanimously. There was unity. There was a desire not to debate the PATRIOT Act, not to debate the House version of the Border Security bill which the Republican-controlled Senate doesn't like and even the President doesn't like. It was about putting all those issues aside where there are differences, not just between Democrats and Republicans, I would say to the gentleman from Texas, but on issues like the PATRIOT Act there were a number of Republicans who had concerns about it.

So this is not about one party versus the other. But on an issue like this involving commemorating the terrible tragedy of September 11 and honoring those who sacrificed their lives, I

would like to think in the spirit here of what happened Monday night and using the example of what went on in the United States Senate, that we could rise to the occasion.

Mr. Speaker, I would yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, let me begin by saying it was within our leadership that I first mentioned the idea of our once again singing God Bless America on the East Front of the Capitol, and I believe that that was a very important moment to once again let the American people know that we stand together, and it was my hope that we would be able to see strong bipartisanship as we proceed in these coming weeks following the fifth anniversary of September 11.

I also would like to say that as we look at this resolution, and a strong attempt was made by our leadership team to work with Members of the minority to fashion a resolution that would enjoy bipartisan support. And I believe that it is essential for us to recognize the tools that have allowed us to ensure that we have not suffered another September 11. And I deeply resent being accused of making a campaign speech as we revere the lives that were lost on September 11.

Mr. MCGOVERN. I thank the gentleman for his comments and reclaim my time.

Mr. Speaker, let me state for the record that in 2002, when we had a resolution on this issue, it passed unanimously. In 2004 and 2005, the resolutions that were brought to this floor were jointly sponsored by Representatives HYDE and LANTOS both times. There was an effort at bipartisanship then, and I think that is the model. That is the model we should be following here. The bottom line is this is not a resolution that has been produced as a result of bipartisan consultation.

But let me go back to the point I was trying to make in the beginning, and that is, this is a very solemn week, and we should not be doing anything but trying to bring this House together like they did in the United States Senate so that we speak with one voice and that we make it clear that we are together when it comes to commemorating those who lost their lives and those who have sacrificed so much and those who continue to put their lives on the line for the protection of all people.

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

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would simply like to say that I think the gentleman from Massachusetts makes a very important point. We have seen resolutions since September 11, 2001 pass unanimously

and enjoy strong bipartisan support. I would recommend that my colleagues look at the resolutions that were passed year after year since September 11, 2001, and recognize that in those resolutions we talked about the different tools and the things that have been utilized to ensure that we win the global war on terror. We want this to be bipartisan. Mr. Speaker, I will predict that when this resolution is voted on, that it will enjoy strong bipartisan support.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield to the gentleman from Georgia, Dr. GINGREY, 4 minutes.

Mr. GINGREY. Mr. Speaker, I rise today in strong support of this rule and the underlying resolution. As we just marked the fifth anniversary of the September 11 terrorist attack launched against the United States, it is more important than ever that we stand united in condemning terrorism as we engage in this epic battle for the future of civilization.

In this war on terror, Mr. Speaker, we are not in a battle of civilizations, we are in a battle for civilization, and our enemies are actively and aggressively adjusting their tactics while waging their terrorist war of religious intolerance against the free nations of the world.

Our government has achieved many successes in this war and we have made substantial progress. We have enacted strong legislation, including the PATRIOT Act and the Homeland Security Act of 2002 which created the Department of Homeland Security. We have strengthened our borders and ports through the Enhanced Border Security and Visa Entry Reform Act of 2002 and the Maritime Transportation Security Act of 2002. We have funded our first responders in the amount of \$41.5 billion. Our intelligence agencies are working together like never before, thanks in large part to the Intelligence Reform and Terrorism Prevention Act of 2004.

While many of our political opponents have disagreed with our efforts, these changes are directly responsible for preventing another attack against our Nation since 9/11.

Thanks to our counterterrorism techniques, the United States and our allies have foiled several terrorist plots, disrupted terrorist cells, including several in our own country, and brought many high-profile terrorists to justice.

Just one month ago, Mr. Speaker, British authorities in London foiled a plot to blow up as many as 10 United States bound commercial airliners. The cooperation of British and American intelligence and counterterrorism authorities that led to the foiling of this plot is proof of two indisputable facts: First, we cannot let our guard down in the fight against terrorism; and, second, the steps Congress has taken since the tragic events of 9/11 are indeed working.

It is therefore critically important, Mr. Speaker, that we continue giving

America the tools it needs to fight the global war on terror.

As stated by the 9/11 Commission, we must continue making strides and using terrorism finance as an intelligence tool. It is absolutely appalling that, in the light of this, 174 of my Democratic colleagues still voted against H. Res. 895, legislation supporting intelligence and law enforcement programs that track terrorists and condemning the publication of any classified information that could potentially impair the fight against terrorism. Not only did House Democrats vote against making the Committee on Homeland Security permanent at the beginning of this Congress, 120 of them opposed the creation of Homeland Security in the first place.

Mr. Speaker, no matter how much we have at times disagreed on how to prosecute the war on terror, none of us will ever forget the attacks of September 11. Let me be clear. By supporting this resolution, we are standing strong and sending a message that we will continue fighting the terrorists. We will prevail no matter how long it takes. We are telling the terrorists that they will never again catch us off guard, and that an enemy committed to the death and destruction of the American way of life will not prevail. I know the strength of America, I know the strength of her people, and I know that we will be victorious in this fight for freedom. We must continue honoring the memory of those heroes who died on 9/11 by standing strong against terrorism and taking the fight to the enemy.

This resolution simply reaffirms our commitment, and it deserves, as our chairman and Mr. SESSIONS said, the full support of this fight. I hope all of my colleagues will join me in supporting this rule and the underlying resolution.

Mr. MCGOVERN. Mr. Speaker, I would like to remind some of the previous speakers here that the title of this bill, H. Res. 994, is expressing the sense of the House of Representatives on the fifth anniversary of the terrorist attacks launched against the United States on September 11, 2001. And I do that because we have heard a lot of speeches here and we have talked about a lot of different issues that are separate from commemorating those who lost their lives, those who sacrificed on September 11, those who continue to protect our country.

□ 1145

We have talked about the PATRIOT Act and border security. We have talked about a whole litany of things, and those are all certainly important issues and legitimate issues for us to discuss, how best to protect this country. Those are things we should be debating here on a regular basis on the House floor, but they are controversial, some of these initiatives. They are controversial with a lot of Members of your own party.

I wish we would get back to the point that this resolution here today, and what some of us are troubled by, is that this should be about unity and this should be about honoring those who sacrificed, those who lost their lives, those who have served our country so well. That is what this should be about and not a litany of controversial items that you want to promote during a campaign year.

If you want to do that, do it in a separate resolution, take up a separate bill, but we should all be together when it comes to a resolution on September 11.

The United States Senate got it right. They got it right over in the United States Senate. We should do the same here in the House.

Mr. Speaker, I reserve my time.

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

Mr. Speaker, we think we got it right. We think we did the PATRIOT Act right. We think we did intelligence authorization right. We think we do a lot of things right around here. We are going to stand up for this country, Mr. Speaker. We are going to stand up for the men and women who protect our country. We are going to stand up and give the men and women of the intelligence community the things that they need.

Today, it is right and fitting to say thank you; we will not forget and we will be vigilant to protect this country. That is what this resolution is about.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. KING), the chairman of the Homeland Security Committee.

Mr. KING of New York. Mr. Speaker, I thank the gentleman for yielding, and I in particular appreciate the opportunity to be able to speak on this issue, an issue which I believe is vital to the history of our Nation and indeed to the future of our Nation.

As the sponsor of the legislation and chairman of the Homeland Security Committee, I took a special interest in doing all that I could to ensure that this resolution would reflect the thinking of the Congress and would not be at all provocative.

But the fact is, September 11 was the darkest day in our Nation's history. It was also a day of exceptional bravery and courage, and year after year since September 11, 2001, we have expressed this sense of the Congress, we have expressed the sense of the House. We have pointed to the tremendous bravery that occurred that day, the actions of the police and the fire and the emergency workers. We have certainly referred to the terrible suffering that occurred that day.

But also, it is essential we not just lament what happened that day, not just acknowledge the suffering of that day, but I believe we owe it to history to show what Congress has done. It is not enough just to say we feel sorry for what happened. It is important we show what we are doing, what we are

doing as Members of Congress, to respond to the horrors of that day.

In putting together this resolution, the leadership on our side of the aisle reached out to the other leaders certainly. On my committee, we reached out to Democratic members of our committee trying to put together a resolution, and the fact is the gentleman from Massachusetts, who is a good friend of mine, he acts as if this resolution this year is so markedly different than what was passed in previous years.

Well, if you go back to 2004, the resolution referred to introduced by Mr. HYDE and Mr. LANTOS, H. Res. 757, it goes through a long listing of what has been done since September 11, 2001. It refers to the war in Iraq as being part of the war against terrorism. It refers to port security and border security, to the Terrorism Threat Immigration Center. It talks about taking away the financial assets of terrorists. It goes on and on, listing a number of issues which apparently today would be considered extremely controversial.

We make no reference at all to Iraq in today's resolution, other than to mention the men and women of our Armed Forces who are in Iraq and Afghanistan. We make no mention of the NSA electronic surveillance program which enjoys the support of the overwhelming majority of American citizens. We make no reference to the SWIFT program, which is going after the terrorist finances, which was to me in violation of the Espionage Act released on the front page of the New York Times. Even though it is entirely legal and entirely effective, we make no reference to that, but we do talk about the PATRIOT Act because that was a response of Congress.

Now, history may judge that we did the wrong thing. I am absolutely convinced we did the right thing in passing the PATRIOT Act, and I think we owe it to the American people to let them know what we did. Also, maritime security, intelligence reform, port security, immigration reform, all of these are tied to the issue of international terrorism.

This is the way Congress responded, and I think it is not enough just to say it was a tragedy that happened on September 11. Let us talk about what we did.

The gentleman from Massachusetts says he objects to the language in here that we are safer since September 11. Okay. Maybe we can have an honest difference of opinion on that. The fact is, even the co-chairmen of the 9/11 Commission say we are safer today than we were on September 11. The junior Senator from my State has said we are safer now than we were on September 11. These are certainly not Republican apologists.

Quite frankly, while I understand the good faith on the other side, I as a person who lost almost 150 friends, neighbors and constituents resent the fact that by us introducing the resolution this is a campaign speech.

As I was going to commemoration after commemoration on Monday, I did not say this as being part of the campaign. To me, this is our way of responding. Again, you may be right, and maybe in the future people will say it was wrong to break down the wall between the FBI and CIA and it may be wrong to be going after terrorist assets and it may be wrong to listen in on terrorist conversations. So be it. Let history be our judge.

But let this resolution stand for what Congress has done, is doing and wants to do if we are serious about winning the war against international terrorism.

If we want to talk about campaigns, I would wonder where were you in 2004 when a resolution, if you want some partisan references, by your definition would be far more partisan than we are introducing here today or is it perhaps that the political party has been changed somehow, and now what was more than acceptable in 2004 is not even remotely acceptable today?

So, if we are going to inject politics into it, let us be honest who is raising the political issue. I know that our leadership and the Speaker of the House went out of his way and their way to try to make this a bipartisan resolution. I certainly did. When you compare what we are stating today and what we stated in 2004, to me there is no doubt over who is being partisan and who is trying to exploit this issue. I find that wrong.

I am saying I am proud to stand with this resolution. I am proud to support it. I urge the overwhelming majority of Republicans and Democrats to put aside partisanship, you do not have to agree with every word of our resolution, to say that Congress has responded and has done its best to respond to the attacks of September 11.

Again, let history be our judge. I am more than willing for history to be our judge, and I am proud to stand on the record of the Congress, Republicans and Democrats, and I urge the adoption of the rule and urge the adoption of the underlying resolution.

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

I would just respond to the gentleman by again pointing to what the other body, the United States Senate, did where 100 Senators, Democrats, Republicans, came together as one, co-sponsored a resolution and voted unanimously for a resolution.

That is what we should be doing during this solemn week, not introducing legislation that inspires, quite frankly, the kind of debate that we have here today about issues that really are not about commemorating that day but issues that are highly controversial, ranging from everything to immigration to civil liberties to you name it. That is not the way we should be doing this.

Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I am very much opposed to this rule. This is an issue that deserves a lot more attention than is allowed under this rule. It is a closed rule, has no opportunity for amendments.

Let me just cite one example of the language in this resolution which needs much more attention than is provided under this rule and frankly within the resolution itself.

In the resolution, it says that the United States today is safer than it was on September 11, 2001. I disagree with that, and I think a great many people disagree with it because all of the evidence points in the other direction. We are not safer today than we were.

Why are we not safer? Primarily because the administration and the leadership in this Congress corrupted the attack against the United States on September 11, 2001, and behaved in ways that have made the Nation less safe.

Instead of focusing on the perpetrators of the attack of September 11, 2001, the al Qaeda network and the leader, Osama bin Laden, the administration and the Defense Department backed off. They let him escape and he is free today.

The fact of the matter is 19 members of al Qaeda attacked the United States on September 11, 2001. There was a handful of them in addition to those 19. Now that number has grown enormously. There are far more members of al Qaeda and associate terrorist networks spread all over the Middle East, and they are engaged in activities which constitute a threat to our country and many others.

Subsequently, the attack against Iraq was a totally corrupt response to the attack of September 11, 2001. Iraq had nothing to do with that attack, nothing whatsoever.

The President in his speech to the country the other night said the regime of Saddam Hussein represented a great threat. That is not the case. All of the intelligence indicates that Saddam Hussein represented no threat whatsoever to the United States, just as all the intelligence now makes it very clear that there was no connection between Saddam Hussein or Iraq and the attack of September 11 against the United States, and there was no evidence of weapons of mass destruction in Iraq.

So, instead of attacking the people who attacked us, the administration, with the consent of this Congress, attack another country that had nothing to do with it. The fact of the matter is the world and our country today are far less safe as a result of the way in which the administration and the leaders of this Congress behaved.

We need to live up to our obligations here in the Congress. We need to conduct an investigation as to why the administration behaved the way it did. Why did it not pursue the people who attacked us, why did it let Osama bin

Laden go free, why did we attack Iraq which had nothing to do with this, why did the President of the United States say that Iraq had weapons of mass destruction when all of the intelligence indicated that there was no evidence that there were weapons of mass destruction, no chemical or biological weapons left and no nuclear weapons program?

So the fact of the matter is that this resolution does not focus on the issue the way it ought to be focused upon, and this rule does not provide us the opportunity to expand the resolution, to offer amendments, to engage in the kind of debate that this issue needs so that the people of this country can understand exactly what has been happening to them.

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

The gentleman from New York described his disagreement with the administration. I understand that. We had seen the administration before this President ignore, completely ignore, the advice from the CIA. As a matter of fact, I remember at least one CIA director resigned under President Clinton because he could not get President Clinton to pay attention to more than 3 hours in a month to the intelligence needs of this country.

We have already talked about how vote after vote after vote by the Democrats that they choose to gut our ability, in my opinion, to effectively not only have law enforcement but to chase down those that may do harm against this country.

Some choose to characterize that we are not safer today than what we were before the attack. I completely disagree with that. I would completely disagree with that because I think every single American that day learned of the tremendous forces that were aimed at the United States that we had really been completely unaware of before.

So I think that we are better off today. Are we absolutely safe? No. Are we safer? Yes, we are, and we have a responsibility to maintain that line of defense.

This resolution has nothing to do with that. It is a resolution, the force of this body, to say we respect the men and women who on 9/11 gave their lives; we are sorry for the men and women who have been injured as a result of that; we are going to support our military; we are going to support the families and we will never forget; and we are going to back up our allies; and we are going to make sure that we get it right. That is what this resolution is about.

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

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Mr. MCGOVERN. Mr. Speaker, let me just take issue with the gentleman from Texas. He says this whole question of the Nation being safer than it was on September 11, 2001, has nothing

to do with this resolution. Well, that is what it says in this resolution, if he reads the resolution. There are some things contained in this resolution that people over here, and that people on both sides legitimately have some questions with.

Mr. Speaker, may I inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Massachusetts has 11 minutes remaining and the gentleman from Texas has 2½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I will close for our side.

Mr. Speaker, the issue about whether or not the Nation is safer than it was on September 11, 2001, is a legitimate topic for debate, but not on this resolution. The issue of the PATRIOT Act, there are differences on that. I have a lot of reservations about the PATRIOT Act, as do many Republicans. That is a legitimate debate we should continue to have. The issue about how best to protect our borders is a serious and important and legitimate issue. President Bush and Senator McCain have one opinion on how we should do it, which I think makes a heck of a lot more sense than the view of the Republican majority in this House, but that is certainly a legitimate debate. But it doesn't belong in a resolution commemorating the lives and the sacrifices of those individuals on September 11, 2001.

And I guess I wish that just once, just once the leadership on the other side of the aisle could bring to this floor a piece of legislation, especially on an issue like this, that is not stained with politics. Why does everything have to have a political slant to it? I think people are sick of it, I really do. I think on issues like this people want us to come together, as we have done in the past, as the other body has done, and speak with one voice. Let us not make this into something it shouldn't be.

So, Mr. Speaker, I am asking Members of this House to vote "no" on the previous question so that we can consider a much better resolution, one that respectfully commemorates this most somber occasion. If the previous question is defeated, I will amend the rule so that instead of voting on the divisive partisan resolution made in order under this rule, we will consider the text of the truly bipartisan resolution that was adopted in the Senate on the fifth anniversary of September 11.

Not only was this measure passed by unanimous consent in the Senate on September 11, the actual day of the anniversary, it was cosponsored by every single Member of the United States Senate: every single Democrat, every single Republican.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, this is the resolution we should be considering today, and let me tell you why. It was not written for political gain or for 30-second sound bites. It was written with the sole intent and purpose of remembering the tragic events of September 11, 2001, and to honor and mourn the victims of that horrific day.

I think we owe it to the people of this great Nation to put politics aside for this one day and show that we are Americans first and that some things are sacred and should never be used for political purposes.

So I would urge my colleagues to vote “no” on the previous question so we can consider the Senate version of the September 11 commemorative.

Mr. Speaker, I yield back my time.

Mr. SESSIONS. Mr. Speaker, I urge my colleagues to vote “yes,” and I urge my colleagues to vote “yes” because it is the honorable and the right thing to do, to say thank you to the men and women who gave their lives, to say thank you to the men and women who were heroic in their efforts to try and save people, and it is the right thing to do to say to the men and women of our military and our intelligence communities that we believe you have not only done a great job but we thank your families also for those sacrifices.

We believe it is the right thing to do to remember this event 5 years later. We believe it is the right thing to do to let the world know that the United States Congress, this body, in this House resolution, believes that we will stay strong not only in the war on terrorism but that we believe that fighting for civilization and peace and opportunity in this world is the right thing.

We have heard from three of this Congress’ greatest leaders, PHIL GINGREY, PETE KING, who is the chairman of the committee, and the young chairman of the Rules Committee, Mr. DREIER, as they have spoken eloquently about not only what this country stands for but about how our respectfully saying thank you and remembering this day is a part of our job and is the right thing to do.

I urge all of my colleagues to vote on behalf of this resolution.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 996, THE RULE FOR H. RES. 994 EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES ON THE 5TH ANNIVERSARY OF THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Strike all after the resolved clause and insert:

“Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution printed in section 2 expressing the sense of the House of Representatives upon the five-year anniversary of the terrorist attacks against the United States on September 11, 2001. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adop-

tion without intervening motion or demand for division of the question except: (1) four hours of debate equally divided and controlled by the Majority Leader and Minority Leader or their designees; and (2) one motion to recommit.”

SEC. 2. The following is the text referred to in Section 1:

#### RESOLUTION

“A resolution expressing the sense of the House of Representatives upon the five-year anniversary of the terrorist attacks against the United States on September 11, 2001.

Whereas on September 11, 2001, terrorists hijacked four civilian aircraft, crashed two of them into the towers of the World Trade Center in New York City, and crashed the third into the Pentagon outside Washington, D.C.;

Whereas the fourth hijacked plane, United Airlines Flight 93, crashed in Somerset County, Pennsylvania, near the town of Shanksville, after the passengers and crew of that flight struggled with the terrorist-hijackers to take back control of the plane, ultimately preventing the flight from reaching its likely destination in Washington, D.C.;

Whereas the heroic actions of the rescue workers, volunteers, and State and local officials who responded to the attacks with courage, determination, and skill are to be commended;

Whereas thousands of innocent Americans, and civilians from many other countries, were killed and injured as a result of these attacks;

Whereas Congress declared, in the aftermath of the attacks, September 12, 2001, to be a National Day of Unity and Mourning; and

Whereas there has not been a terrorist attack on the United States homeland since the terrorist attacks five years ago, but al Qaeda has perpetrated terrorist attacks throughout the world against United States persons, facilities, and interests, as well as United States allies during that time:

Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the life of each individual who died as a result of the attacks of September 11, 2001;

(2) extends its deepest condolences to the victims of these attacks, as well as to their families, friends, and loved ones;

(3) once again condemns in the strongest possible terms the attacks, the terrorists who perpetrated them, and their sponsors;

(4) commits to support the necessary steps to interdict and defeat terrorists who plot to do harm to the American people;

(5) recommits itself and the Nation to bringing to justice the perpetrators of the attacks, along with their sponsors;

(6) honors and expresses its gratitude to members of the United States Armed Forces, law enforcement personnel, first responders, and others who have bravely and faithfully participated in the War on Terrorism since September 11, 2001; and

(7) declares September 11, 2006, to be a National Day of Remembrance, in commemoration of the terrorist attacks against the United States on September 11, 2001.”

#### 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 Republican 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 Republican 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 Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here’s how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule \* \* \* When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

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 Republican majority’s agenda to offer an alternative plan.

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

The SPEAKER pro tempore (Mr. WAMP). 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. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

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

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

RESTRICTING INDIAN GAMING TO  
HOMELANDS OF TRIBES ACT OF  
2006

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4893) to amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming, as amended.

The Clerk read as follows:

H.R. 4893

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 "Restricting Indian Gaming to Homelands of Tribes Act of 2006".

**SEC. 2. RESTRICTION ON OFF-RESERVATION GAMING.**

Section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719) is amended—

(1) by amending subsection (b)(1) to read as follows:

"(b)(1) Subsection (a) will not apply when lands are taken in trust for the benefit of an Indian tribe that is newly recognized, restored, or landless after the date of the enactment of subsection (f), including those newly recognized under the Federal Acknowledgment Process at the Bureau of Indian Affairs, and the following criteria are met:

"(A) The Secretary determines that such lands are within the State of such tribe and are within the primary geographic, social, historical, and temporal nexus of the Indian tribe.

"(B) The Secretary determines that the proposed gaming activity would not be detrimental to the surrounding community and nearby Indian tribes.

"(C) Concurrence by the Governor in conformance with laws of that State.

"(D) Mitigation by the Indian tribe in accordance with this subparagraph. For the purposes of the Indian tribe mitigating the direct impact on the county or parish infrastructure and services, the Indian tribe shall negotiate and sign, to the extent practicable during the compact negotiations described in section 11(d)(3), a memorandum of understanding with the county or parish government. Such mitigation requirements shall be limited to the direct effects of the tribal gaming activities on the affected county or parish infrastructure and services. If a memorandum of understanding is not signed within one year after the Indian tribe or county or parish has notified the other party and the Secretary, by certified mail, a request to initiate negotiations, then the Secretary shall appoint an arbitrator who shall establish mitigation requirements of the Indian tribe."; and

(2) by adding at the end the following new subsections:

"(e)(1) In order to consolidate class II gaming and class III gaming development, an Indian tribe may host one or more other Indian tribes to participate in or benefit from gaming conducted under this Act and in conformance with a Tribal-State compact entered into by each in-

ited Indian tribe and the State under this Act upon any portion of Indian land that was, as of October 17, 1988, located within the boundaries of the reservation of the host Indian tribe, so long as each invited Indian tribe has no ownership interest in any other gaming facility on any other Indian lands and has its primary geographic, social, historical, and temporal nexus to land in the State in which the Indian land of the host Indian tribe is located.

"(2) An Indian tribe invited to conduct class II gaming or class III gaming under paragraph (1) may do so under authority of a lease with the host Indian tribe. Such a lease shall be lawful without the review or approval of the Secretary and shall be deemed by the Secretary to be sufficient evidence of the existence of Indian land of the invited Indian tribe for purposes of Secretarial approval of a Tribal-State compact under this Act.

"(3) Notwithstanding any other provision of law, the Indian tribes identified in paragraph (1) may establish the terms and conditions of their lease and other agreements between them in their sole discretion, except that in no case may the total payments to the host Indian tribe under the lease and other agreements exceed 40 percent of the net revenues (defined for such purposes as the revenue available to the 2 Indian tribes after deduction of costs of operating and financing the gaming facility developed on the leased land and of fees due to be paid under the Tribal-State compact) of the gaming activity conducted by the invited Indian tribe.

"(4) An invited Indian tribe under this subsection shall be deemed by the Secretary and the Commission to have the sole proprietary interest and responsibility for the conduct of any gaming on lands leased from a host Indian tribe.

"(5) Conduct of gaming by an invited Indian tribe on lands leased from a host Indian tribe under this subsection shall be deemed by the Secretary and the Commission to be conducted under the Act upon Indian lands—

"(A) of the invited Indian tribe;

"(B) within the jurisdiction of the invited Indian tribe; and

"(C) over which the invited Indian tribe has and exercises governmental power.

"(6) Notwithstanding the foregoing, the gaming arrangement authorized by this subsection shall not be conducted on any Indian lands within the State of Arizona.

"(7) Any gaming authorized by this subsection shall not be conducted unless it is—

"(A) consistent with the Tribal-State compacting laws of the State in which the gaming activities will be conducted;

"(B) specifically identified as expressly authorized in a tribal-State compact of the invited Indian tribe approved by an Act of the legislature of the State in which the gaming will be conducted; and

"(C) specifically identified as expressly authorized in a tribal-State compact of the invited Indian tribe approved by the Governor of the State in which the gaming will be conducted.

"(8) Host tribe compacts shall not be affected by the amendments made by this subsection.

"(f) An Indian tribe shall not conduct gaming regulated by this Act on Indian lands outside of the State in which the Indian tribe is primarily residing and exercising tribal government authority on the date of the enactment of this subsection, unless such Indian lands are contiguous to the lands in the State where the tribe is primarily residing and exercising tribal government authority."

**SEC. 3. STATUTORY CONSTRUCTION.**

(a) IN GENERAL.—The amendment made by paragraph (1) of section 2 shall be applied prospectively. Compacts or other agreements that govern gaming regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on Indian lands that were in effect on the date of the enactment of this Act shall not be affected by the amendments made by paragraph (1) of section 2.

(b) EXCEPTION.—The amendments made by section 2 shall not apply to any lands for which an Indian tribe, prior to March 7, 2006, has submitted to the Secretary or Chairman a fee-to-trust application or written request requiring an eligibility determination pursuant to section 20(b)(1)(A) or clause (ii) or (iii) of section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(A), 2719(b)(1)(B)(ii), and 2719(b)(1)(B)(iii), respectively); provided that such lands are located within—

(1) the State where the Indian tribe primarily resides; and

(2) an area where the Indian Tribe has a primary geographical, historical, and temporal nexus.

(c) FURTHER EXCEPTION.—The amendments made by section 2 shall not affect the right of any Indian Tribe to conduct gaming on Indian lands that are eligible for gaming pursuant to section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719), as determined by the National Indian Gaming Commission, Secretary of the Interior or a Federal court prior to the date of the enactment of this Act.

**SEC. 4. REGULATIONS REQUIRED.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall promulgate regulations to implement section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719). The regulations shall require tribal applicants for any of the exceptions listed in section 20 of the Indian Gaming Regulatory Act to have an aboriginal or analogous historic connection to the lands upon which gaming activities are conducted under the Indian Gaming Regulatory Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

## GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, this bill has a basic premise: Indian gaming should occur on Indian lands; and when a tribe is newly recognized, restored or landless, then it has to include the local community at the table for the simple purpose of signing a memorandum of understanding to address impacts. It is as simple as that.

Unfortunately, over the last 17 years, far too many tribes have drifted away from the original purpose and spirit of the Indian Gaming Regulatory Act and have sought to develop off-reservation casinos in whatever location seemed to be the most lucrative, often far from their tribal lands. Those who have pursued this course have turned the spirit of IGRA on its head. Instead of seeking to bring economic development to the Indian reservation, they have instead sought to bring the Indian reservation to wherever there is economic development. This is wrong, and it threatens