

Mr. Speaker, we wouldn't be here if our Republican colleagues in the Senate had blocked previous legislation to extend unemployment benefits. I urge all my colleagues not turn our backs on those Americans who are out of a job and continue to struggle to find work.

Mr. LEVIN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 5618.

The question was taken.

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

Mr. CAMP. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR RECONSIDERATION AND REVISION OF PROPOSED CONSTITUTION OF THE UNITED STATES VIRGIN ISLANDS

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 33) to provide for the reconsideration and revision of the proposed constitution of the United States Virgin Islands to correct provisions inconsistent with the Constitution and Federal law.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

S. J. RES. 33

Whereas Congress, recognizing the basic democratic principle of government by the consent of the governed, enacted Public Law 94-584 (94 Stat. 2899) authorizing the people of the United States Virgin Islands to organize a government pursuant to a constitution of their own adoption;

Whereas a proposed constitution to provide for local self-government for the people of the United States Virgin Islands was submitted by the President to Congress on March 1, 2010, pursuant to Public Law 94-584;

Whereas Congress, pursuant to Public Law 94-584, after receiving a proposed United States Virgin Islands constitution from the President may approve, amend, or modify the constitution by joint resolution, but the constitution "shall be deemed to have been approved" if Congress takes no action within "sixty legislative days (not interrupted by an adjournment sine die of the Congress) after its submission by the President";

Whereas in carrying out Public Law 94-584, the President asked the Department of Justice, in consultation with the Department of the Interior, to provide views on the proposed constitution;

Whereas the Department of Justice concluded that several features of the proposed constitution warrant analysis and comment, including—

(1) the absence of an express recognition of United States sovereignty and the supremacy of Federal law;

(2) provisions for a special election on the territorial status of the United States Virgin Islands;

(3) provisions conferring legal advantages on certain groups defined by place and timing of birth, timing of residency, or ancestry;

(4) residence requirements for certain offices;

(5) provisions guaranteeing legislative representation of certain geographic areas;

(6) provisions addressing territorial waters and marine resources;

(7) imprecise language in certain provisions of the bill of rights of the proposed constitution;

(8) the possible need to repeal certain Federal laws if the proposed constitution of the United States Virgin Islands is adopted; and

(9) the effect of congressional action or inaction on the proposed constitution; and

Whereas Congress shares the concerns expressed by the executive branch of the Federal Government on certain features of the proposed constitution of the United States Virgin Islands and shares the view that consideration should be given to revising those features: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SENSE OF CONGRESS ON PROPOSED CONSTITUTION FOR UNITED STATES VIRGIN ISLANDS.

It is the sense of Congress that Congress—

(1) recognizes the commitment and efforts of the Fifth Constitutional Convention of the United States Virgin Islands to develop a proposed constitution; and

(2) urges the Fifth Constitutional Convention of the United States Virgin Islands to reconvene for the purpose of reconsidering and revising the proposed constitution in response to the views of the executive branch of the Federal Government.

SEC. 2. REVISION OF PROPOSED CONSTITUTION.

Section 5 of Public Law 94-584 (90 Stat. 2900) is amended—

(1) by designating the first, second, third, and fourth sentences as subsections (a), (b), (d), and (e), respectively;

(2) in subsection (b) (as so designated)—

(A) by striking "within" and all that follows through "after" and inserting "within 60 legislative days after"; and

(B) by inserting "or has urged the constitutional convention to reconvene," after "in whole or in part,";

(3) by inserting after subsection (b) (as so designated) the following:

"(c) REVISION OF PROPOSED CONSTITUTION.—

"(1) IN GENERAL.—If a convention reconvenes and revises the proposed constitution, the convention shall resubmit the revised proposed constitution simultaneously to the Governor of the Virgin Islands and the President.

"(2) COMMENTS OF PRESIDENT.—Not later than 60 calendar days after the date of receipt of the revised proposed constitution, the President shall—

"(A) notify the convention, the Governor, and Congress of the comments of the President on the revised proposed constitution; and

"(B) publish the comments in the Federal Register."; and

(4) in subsection (d) (as so designated), by inserting "under subsection (b) (or, if revised pursuant to subsection (c), on publication of the comments of the President in the Federal Register)" after "or modified".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. I yield myself such time as I may consume.

Mr. Speaker, Senate Joint Resolution 33 was introduced by the chairman of the Senate Energy and Natural Resources Committee, JEFF BINGAMAN, to respond to concerns raised with the fifth proposed constitution for the United States Virgin Islands.

In order to encourage the adoption of their own constitutions, Congress in 1976 enacted legislation to authorize the people of the Virgin Islands and Guam to convene constitutional conventions and write their own local constitutions. This act, Public Law 94-528, sets out parameters that the supremacy of the United States Constitution must be recognized and adhered to as well as a process for the Federal review of any proposed constitution, including 60-day periods for both Presidential and congressional reviews. We are at the very end of the time prescribed for congressional action.

The U.S. Virgin Islands, an unincorporated territory acquired by the United States from Denmark in 1917, is one of only two U.S. States and territories that does not have a constitution written by the people who determine its basic governmental organization and structure. Instead, for more than half a century, the Virgin Islands have been under the governance of a Federal law known as the Revised Organic Act of 1954. Since 1964, the people of the Virgin Islands have attempted five times to write a constitution that brings the territory governance from the people. The first four efforts were unsuccessful.

On December 31, 2009, the Governor of the Virgin Islands submitted to President Obama a constitution drafted by the Fifth Constitutional Convention of the United States Virgin Islands. As required by Public Law 94-584, the President transmitted the constitution to Congress on March 1, 2010, for consideration.

In his submittal letter to Congress, President Obama indicated that he asked the Department of Justice, in consultation with the Department of the Interior, to provide their views on the proposed constitution. The Department of Justice, in a memorandum

which accompanied the President's submittal letter, concluded that several features of the proposed constitution warranted analysis and comment and outlined at least eight areas in the proposed constitution that the Department of Justice believes should either be removed from the constitution or modified.

The resolution we are considering today attempts to respond to the concerns about the proposed constitution raised by the Justice Department by providing for its reconsideration and revision to correct provisions that are inconsistent with the United States Constitution and Federal law. It is a clear statement from Congress that the convention should consider these provisions; although, it does not dictate what the outcome of the "reconsiderations" should be.

This resolution also represents a compromise, and because of the importance of this document and the process to my constituents and to me, I would like to explain the journey that I have gone through as their Representative in the only branch of local or national government with the authority to make any changes.

Regardless of my personal opinion or understanding of the unique circumstances of the U.S. Virgin Islands, the document adopted by the convention does not meet the dictates of the act which authorized its creation.

My initial position was that we as a Congress should exercise our authority and amend it before sending the document back to the people of the Virgin Islands to vote on. I still feel strongly that the people at home are entitled to and deserve a constitutionally sound document upon which to come out and cast their votes. That has not changed.

Yet, after listening to the testimony given in the Congress—and when at home—to the many sides of the issue and after listening to the varied opinions of a broad cross-section of my community, a different position evolved. Despite my misgivings on the constitutionality of the document, my views became more consistent with my long held stance that the people of the territories should be the ones to decide on issues of their self-governance.

The people of the Virgin Islands voted for delegates to the Constitutional Convention. We as a Congress and I as their elected Representative should honor their position and their work on the people's behalf. Further, any provision that is unconstitutional would not stand, and therefore, no one need fear that any rights guaranteed by the U.S. Constitution would in any way be abridged.

The Senate felt differently. There was a degree of outrage at what appeared on the surface to be a denial of equal protection under the law. Although they first thought to reject the document outright, that was not an op-

tion, and so they were prepared to amend it.

The resolution which is before us today represents a compromise that I negotiated and which protects the right of the people of the Virgin Islands to draft and adopt a constitution of their own writing; and I do believe that, although the definitions of native and ancestral could be included to follow the dictates, however, of the authorizing act, any rights and privileges ascribed to them would need to be amended in the reconvening of the convention. There is precedent for the convention's reconvening to address administration concerns, as it happened in the case of the fourth constitutional draft document.

As I stated in my testimony before the Senate, it had been my hope that, once reconvened as prescribed in this resolution, no matter what was or was not done, the resulting document would go directly to the people of the USVI for the vote. I did not prevail in that argument, but given the constraints of time imposed by the other body's late action and the delays in reaching agreement on the resolution's being placed on the suspension calendar, I hope that we will get this to the people in time for the constitution to reconvene.

With that, I ask my colleagues to support the passage of this measure so that we can get it done today and get it to the President for his signature.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, the adoption of a constitution by the U.S. Virgin Islands will provide additional autonomy for that territory. However, any constitution that is adopted should not be in conflict with the U.S. Constitution, as noted by the extensive comment provided by the U.S. Justice Department.

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The House therefore should pass Senate Joint Resolution 33 today to state concerns with the Virgin Islands draft Constitution and urge remedying these issues.

Ms. BORDALLO. Mr. Speaker, I rise to address the House regarding S.J. Res. 33, which the other body passed on June 17, 2010, and which relates to a proposed Constitution of the Virgin Islands of the United States adopted by the Fifth Constitutional Convention in the territory on May 26, 2009. This particular proposed Constitution was received by the House from the President of the United States with his comments earlier this year, and was read and referred to the Committee on Natural Resources. On March 17, 2010, I chaired an oversight hearing of the Subcommittee on Insular Affairs, Oceans and Wildlife for the purpose of receiving testimony about the proposed Constitution. Testimony was received from a representative of the United States Department of Justice and from leaders in the

Virgin Islands, including the Governor and the President of and five other Delegates seated to the Fifth Constitutional Convention. Witnesses addressed both the drafting and review process for the proposed Constitution as well as its substance. Most importantly, witnesses emphasized the meaning that the drafting and adoption of a constitution by and for the people of the Virgin Islands holds for our democracy and for an increased level of self-government for them.

An Act of the 94th Congress codified in Title 48 of the United States Code provides for a Congressional review process for any proposed and locally drafted Constitution for either the Virgin Islands or Guam. Both territories are the only organized jurisdictions presently under the U.S. Flag for which local government is not organized pursuant to a locally drafted and adopted Constitution. Indeed, a principal purpose of the Act of the 94th Congress, U.S. Public Law 94-584, which governs this process, was to enable the people of both territories to organize a government pursuant to a Constitution of their own adoption and structured in accordance with their vision.

Absent such a locally adopted Constitution, the governments of the Virgin Islands and Guam have been organized by and derive legitimacy from separate Acts of Congress, which for all intents and purposes serve as de facto Constitutions for the respective territories. These statutes are the Revised Organic Act of 1954 for the Virgin Islands, which superseded the Organic Act of 1936, and the Organic Act of 1950 for Guam.

The people of the Virgin Islands have duly elected five Constitutional Conventions since the enactment of the Revised Organic Act of 1954. Two Conventions in the Virgin Islands were convened prior to the enactment of U.S. Public Law 94-584—in 1964 and 1972, respectively—and three since—in 1978, 1980, and the most recent, the fifth such Convention convened in 2007. Positive steps toward increased self-government for the people of the Virgin Islands were realized as a result of the work of the 1964 and 1972 conventions, including an amendment by Congress to the Revised Organic Act that allowed for the Governor of the Virgin Islands to be chosen by popular election beginning in 1965. The work of the third and fourth conventions resulted in transmittals of whole proposed Constitutions to the Congress, and similarly served as a continued exercise of and toward greater self-government for the people of the Virgin Islands.

In 1977, one year following the enactment of U.S. Public Law 94-584, a Constitutional Convention was convened in Guam and composed of Delegates elected by the people of Guam. The particular proposed Constitution drafted by that Convention was not ultimately adopted by the people of Guam. Discussion arose then among the voters and leaders of Guam about whether approval of local constitutional government in Guam might preclude or be prejudicial to the exercise of their right to self-determination, and efforts in subsequent years were concentrated predominately on resolving the territory's ultimate political status.

The Fifth Constitutional Convention of the Virgin Islands marks another point in the continued journey of the people of the Virgin Islands toward increased self-governance and

their commitment to a democratic form of government. The President noted such in his comments to Congress on this most recent, proposed Constitution. While certain legal questions have been raised regarding several of its features that are noted in the President's comments, the proposed Constitution in and of itself represents significant effort and work undertaken by leaders in the Virgin Islands dedicated to their community and to our democracy.

I commend the leadership that our colleague, Mrs. CHRISTENSEN, has brought to bear in this process and in all issues pertaining to governance in the territories. This body is now considering a measure that the Senate has sent to us. I would be remiss if I did not note the implications for my district, Guam. As leaders in Guam may in the future decide to again take up the work to draft and adopt a Constitution locally, it is important that Congress remain cognizant of and open to such opportunity.

S.J. Res. 33 proposes to amend the underlying statutory scheme governing such a process to allow for formal revision of a proposed Constitution after it has been initially transmitted to the President and Congress. In doing so, it requires a reconvened Constitutional Convention to resubmit a proposed Constitution in any form it may so revise it to the Governor of the Virgin Islands and the President. In amending Section 5 of U.S. Public Law 94-584 for this purpose, S.J. Res. 33 would separate and designate as separate subsections the existing four sentences of such Section. Additionally, it would insert a new subsection (c) in the middle of the existing language to provide for the resubmitting requirement. However, the proposed amendment of the Senate would only insert a reference to the Governor of the Virgin Islands in this instance despite the fact the underlying statute is structured such that the process is to apply both to the Virgin Islands and Guam, respectively. Revisiting this language may become important should leaders in Guam at any point in the future again convene a Constitutional Convention.

Ultimately, it is important for Congress to remain responsive to and supportive of leaders in both territories as they work to advance local self-government and provide for the rule of law.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Mrs. CHRISTENSEN. I thank my colleague for his support. As we said, we are at the very last few days with which the Congress has been prescribed to act, and I ask for support of this measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the joint resolution, S.J. Res. 33.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

FOUNTAINHEAD PROPERTY LAND TRANSFER ACT

Mr. BOREN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1554) to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1554

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 "Fountainhead Property Land Transfer Act".

SEC. 2. TRANSFER OF LAND; LAND INTO TRUST.

(a) IN GENERAL.—Immediately after completion of the survey required under subsection (b), the receipt of consideration and costs required under subsection (c), and satisfaction of all terms specified by the Secretary and the Secretary of the Army under subsection (d), administrative jurisdiction of the Property shall be transferred from the Secretary of the Army to the Secretary, and the Secretary shall take the Property into trust for the benefit of the tribe.

(b) SURVEY.—The exact acreage and legal description of the Property shall be determined by a survey satisfactory to the Secretary and the Secretary of the Army.

(c) CONSIDERATION; COSTS.—The tribe shall pay—

(1) to the Secretary of the Army fair market value of the Property, as determined by the Secretary of the Army; and

(2) all costs and administrative expenses associated with the transfer of administrative jurisdiction of the Property and taking the Property into trust pursuant to subsection (a), including costs of the survey provided for in subsection (b) and any environmental remediation.

(d) OTHER TERMS AND CONDITIONS.—The transfer of administrative jurisdiction of the Property and taking the Property into trust shall be subject to such other terms and conditions as the Secretary and the Secretary of the Army consider appropriate to protect the interests of the United States, including reservation of flowage easements consistent with the Acquisition Guide Line for Flowage Easement for the Lake Eufaula project and other applicable policies for that project.

(e) DEFINITIONS.—For the purposes of this section:

(1) PROPERTY.—The term "Property" means, subject to valid existing rights, all right, title, and interest of the United States in and to the Federal land generally described as the approximately 18 acres of Federal land located in McIntosh County, Oklahoma, within the boundary of the Muscogee (Creek) Nation and located in the northwest quarter of section 3, township 10 north, range 16 east, McIntosh County, Oklahoma, at Lake Eufaula.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) TRIBE.—The term "tribe" means the Muscogee (Creek) Nation.

(f) GAMING PROHIBITION.—The tribe may not conduct on any land taken into trust pursuant to this Act any gaming activities—

(1) as a matter of claimed inherent authority; or

(2) under any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and any regulations promulgated by

the Secretary or the National Indian Gaming Commission pursuant to that Act.

(g) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(h) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. BOREN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

Mr. BOREN. 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 under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1554 would take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee Creek Nation.

The Creek Nation has over 69,000 enrolled citizens at its headquarters in my district in beautiful eastern Oklahoma. As part of their effort to provide economic development in this very rural area of Oklahoma, the Nation purchased the Fountainhead Lodge and 48 surrounding acres from the State of Oklahoma.

Fountainhead was once touted as the State's premier resort lodge, but the property had fallen into disrepair. The Creek Nation hopes to turn the property into a destination resort at Lake Eufaula, bringing much-needed tourism dollars to this distressed area, one of the poorest in the Nation.

The property included a hotel, recreational building and duplex cabins, as well as 18 acres of Army Corps of Engineers land that came with the property as a lease. A subsequent survey determined that the recreational building was located entirely on the Corps' land. The Corps suggested that they transfer the ownership of the leased land to the Creek Nation to assist in the development of the property.

On April 21, 2010, the Committee on Natural Resources held a hearing on this legislation. The administration testified in support of the bill, but expressed concerns with the manner in