Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Platts
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reichert
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Cantor
Hastings (FL)
Holden
Jefferson
Kagen
Pickering
Pomeroy
Porter
Ryan (OH)
Tancredo

□ 1357

Mrs. JONES of Ohio, Messrs. OLVER, ABERCROMBIE, GENE GREEN of Texas, Mrs. GILLIBRAND, and Ms. SLAUGHTER changed their vote from ''yea'' to ''nay.''

Messrs. ROGERS of Alabama, SAXTON, WELDON of Florida, TURNER, CALVERT, BARRETT of South Carolina, DONNELLY, KING of New York, SAM JOHNSON of Texas, and KING of Iowa changed their vote from ''nay'' to ''yea.''

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 247, nays 176, not voting 10, as follows:

[Roll No. 443]

YEAS—247

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Platts
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reichert
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—176

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Carter
Chabot
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Duncan
Ehlers
Ellsworth
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (OH)
Wilson (SC)
Wolf

NOT VOTING—10

Cantor
Hastings (FL)
Holden
Jefferson
Kagen
Pickering
Pomeroy
Porter
Ryan (OH)
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1404

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1756

Mr. HUNTER. Madam Speaker, I ask unanimous consent to have the gentleman from Florida (Mr. BOYD) removed as a cosponsor to H.R. 1756.

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

There was no objection.

LUMBEE RECOGNITION ACT

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 465 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 465

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 65) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order

against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 65 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

Mr. ARCURI. Thank you, Madam Speaker.

For purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of this rule is for debate purposes only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. ARCURI. Madam Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 465.

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

There was no objection.

Mr. ARCURI. Madam Speaker, House Resolution 465 provides for consideration of H.R. 65, the Lumbee Recognition Act. For over 100 years, the Lumbees have been in Federal recognition limbo. This legislation, which maintains the strong bipartisan support of 215 Members, aims to bring closure to the issue of full Federal recognition for Lumbee Indians of North Carolina, which has lingered in question for far too long.

There's absolutely no question that the Lumbee Indians constitute an Indian tribe. The Lumbee were first recognized as a tribe in 1885 by their home State of North Carolina. After initially seeking Federal recognition in 1888, the Congress acknowledged the Lumbee Indians as an Indian tribe via the Lumbee Act of 1956 but denied them any benefits and privileges of such status. This rare form of recognition is nothing more than an unjust half measure that must be corrected by Congress.

Those opposed to the underlying bill will argue that it is the duty of the Department of the Interior to recognize the status of an Indian tribe. However, because of the action taken by Congress in 1956, creating half-measure recognition, the Department of the Interior has ruled that the Lumbee tribe is not eligible for the tribal recognition process which it administers. That's a very important point that should command the attention of every Member of this body. Simply put, the Department of the Interior is saying to Congress, your legislation in 1956 created this recognition problem and now you are the appropriate branch of the Federal Government to rectify it, that is, Congress.

The recognition of an Indian tribe by the United States has always ultimately been the responsibility of Congress. Even though the Department of the Interior established an administrative process for recognition of the tribes in 1978, Congress has since recognized nine tribes by special legislation where there were special circumstances. Further, because Congress tasks the administration with the authority to establish an administration recognition process in no way means that Congress completely abdicates its authority over such matters.

Madam Speaker, numerous bills have been introduced regarding Federal recognition of the Lumbee starting way back in 1899. And during that time, numerous hearings were held and reports were filed. Most recently, the Natural Resources Committee held a hearing in April of this year where the underlying bill was debated and amendments were offered. Further, the Department of the Interior has researched and studied the Lumbee history 11 times.

Madam Speaker, we owe it to the Lumbee Indians and the State of North Carolina to write the final chapter and close the book on the issue of full Federal recognition.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my good friend from New York for the time.

Madam Speaker, the State of North Carolina formally recognized the Lumbee tribe in 1885. Since 1888, the Lumbee tribe has been waiting for full Federal recognition.

Over the years, many bills were introduced in Congress to provide the Lumbees with Federal recognition, but these bills never reached the President's desk for signature. Finally, the Lumbee Act of 1956 recognized the Lumbee as a Native American tribe but denied them the Federal aid that comes with full status as a federally recognized tribe.

The Bureau of Indian Affairs' recognition process is reserved for tribes whose legitimacy must be established. This, however, is not the case with the Lumbees.

The Department of the Interior since 1913 has studied the identity of the Lumbee Indians 11 times, and each report has concluded that the Lumbees are a Native American tribe descended from the Cheraw Indians.

Furthermore, the Lumbee Act of 1956 actually prohibited the tribe from going through the Bureau of Indian Affairs' recognition process. Congressional action is thus needed for Federal recognition so the Lumbee tribe can be eligible for the full benefits that they are entitled to.

I wish to express my thanks to Mr. MCINTYRE for his strong leadership really on many issues affecting Native Americans as well as other important issues before this Congress and specifically for his perseverance and the brilliance that he has shown in bringing this bill to the floor today.

Even though I support the underlying legislation, Madam Speaker, I must oppose the closed rule under which the majority brings forth this bill. One of the central tenets of our friends in the majority of their campaign in 2006 was that they would run Congress in a more open and bipartisan manner.

□ 1415

On December 6, 2006, the distinguished Speaker reiterated her campaign promise. She said, ''We promised the American people that we would have the most honest and open government and we will.''

Here we are 6 months later, 6 months later, considering the second closed rule of the day. It seems that the campaign promise was just that, a hollow promise. But this closed rule, the second of the day, is not an isolated incident, obviously. So far in the 110th Congress, we have considered a total of 25 closed rules, 25 closed rules in about 5 months. Compare that to the 109th Congress where at this point we had considered six closed rules.

Now, my friends on the other side of the aisle like to refute this fact by claiming that they have offered a number of open rules, but that's not the case. The former very distinguished chairman of the committee, Mr. Moakley, a Democrat, said, and I quote, ''Open rules are silent on the amendment structure.''

By that definition, the Democrats have offered only one open rule this Congress. The majority on the Rules Committee had the opportunity to increase the number of open rules to two yesterday. However, they denied a motion that I made to amend this rule and allow an open rule. Not only did they deny our proposal for an open rule, they even denied an attempt to allow a bipartisan amendment offered by Representative SHULER, that even though I opposed that amendment on the merits, it came to the Rules Committee where Mr. SHULER and Mr. SHAYS sat for a long, long period of time, and then they very diligently and respectfully explained their amendment.

I happened to disagree with it, but as I stated in the Rules Committee, as strongly as I disagree with their amendment, I think they should have the right to present it. Yet not only did our friends, the majority in the Rules Committee, decide to close the rule absolutely, they even disallowed the bipartisan amendment by Mr. SHULER and Mr. SHAYS from being considered today by the full House. I think the Democrats should live up to their campaign promises and offer a more open process.

I urge my colleagues to defeat this closed rule, while, again, on the underlying substance of legislation, expressing my support for it.

Madam Speaker, I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. SHULER).

Mr. SHULER. Madam Speaker, I rise in opposition to this rule.

The Bureau of Indian Affairs have established a process for recognizing Indian tribes. Recognition of tribes is a job for experts and requires facts. This decision should not be made by politicians relying upon a motion.

Every time a legislature has gotten involved in this case, they have gotten it wrong. The North Carolina State House mislabeled the group four different times. The U.S. Congress made the decision worse in 1955 by blocking them from going through the standard process.

I offered an amendment which would have taken the emotion and politics out of this process. It would have allowed the experts of the Bureau of Indian Affairs to establish the facts of this case, but this rule blocks that amendment.

Today, we have missed an opportunity to settle this case. Instead, once again, we will leave it up to politicians.

I am not an expert on Indian tribes. My colleagues are not experts on Indian tribes. None of us are qualified to make this decision.

I urge my colleagues to reject this rule and let the Bureau of Indian Affairs do its job.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it's my pleasure at this time to yield as much time as he may consume to the ranking member of the Committee on Rules, Mr. DREIER.

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

Mr. DREIER. Madam Speaker, I rise to join my very distinguished colleague from Miami, Mr. DIAZ-BALART, in not only opposing this rule but opposing the previous question on this. I am going to explain that in just a moment.

Mr. DIAZ-BALART went through and gave a very, very good summation of where we stand on this issue of openness, transparency and disclosure; and his reference to the December 6, 2006, quote from our distinguished Speaker, my fellow Californian, underscores the fact that everyone can talk about the issue of openness, transparency and disclosure. But when it comes to granting it, it's very sad and really a very sad day for this institution.

Now I know that there has regularly been a lot of criticism over the way we as Republicans managed this institution for the 12 years leading up to last November's election, but I like to remind our colleagues that, whatever criticism they want to level at us, it's not about what we did, it's about what they promised they were going to do. That's really the sad thing here, the promises that were made, in fact, have not been kept. I think that's evidenced, as Mr. DIAZ-BALART said, by virtue of the fact that we were going to have all of these open rules, and at this moment we are considering the second totally closed rule of the day, meaning that no Member will have the opportunity to offer any amendment whatsoever as we consider this measure.

In the last Congress, we were proud of the fact that we were able to take on what was a bipartisan concern, that being the abuse that we saw of earmarks. We all know what that consists of. It has been reported very, very widely, the abuse of earmarks; and that played a role in leading us, in the last Congress, to respond.

I am very proud in the 109th Congress we were able to pass major earmark reform that got at the issue of transparency and disclosure and, most important, enforceability, making sure that Members of this House, Democrat or Republican, stand up on the floor and raise a question and bring to the attention of this House an earmark that should be brought to the light of day.

We heard that the reforms that were passed at the beginning of this Congress were going to build on what we did in the last Congress and ''improve'' on the earmark reform that we passed in the 109th Congress.

Let me say again, as I did when we considered the last rule, every Member of this House, Democrat and Republican alike, will in just a few minutes have an opportunity to vote on whether or not we believe the earmark reform that has been touted very widely is going to be enforced. That's the vote we are going to face.

What it consists of is Mr. DIAZ-BALART will move to defeat the previous question so that we will simply have an opportunity to make it in order to consider an amendment that will allow us to enforce this much-ballyhooed earmark reform process.

Now, in the last rules debate, I quoted Ronald Reagan, and I quoted Ronald Reagan because during the discussion of the arms buildup and our negotiations with the former Soviet Union, Ronald Reagan used a Russian expression, and that Russian expression is ''doveryai, no proveryai.''

I have to say that my Russian has improved between the debate on the last rule and the debate that we are holding right now, because I got it a little turned around. But thanks to our first-rate staff here we went on to the Internet and found the exact Russian expression: ''doveryai, no proveryai.'' Now, what that means is trust, but verify.

Everyone here has talked about the need for us to again have greater transparency, disclosure, accountability and enforcement on the issue of earmarks. Unfortunately, the rule that was passed in this 110th Congress, which was designed to improve on what we did in the 109th Congress, not only doesn't improve, it denies, it denies every Republican and every Democrat in this House an opportunity to come forward and, in fact, let the institution have the chance to determine whether or not this is a justifiable earmark.

A couple of examples most recently, we saw the clash that took place between the chairman of the Defense Appropriations Subcommittee, our friend, Mr. MURTHA of Pennsylvania, and the gentleman from Michigan (Mr. ROGERS). That was a very unfortunate part of the consideration of the intelligence authorization bill.

Then we saw the quote, the statement that was made by the distinguished chairman of the Committee on Appropriations, Mr. OBEY, who has announced that we are not going to be considering earmarks in the appropriations process itself, earmarks are only allowed to be airdropped into the appropriations conference reports, again, again further blurring the opportunity for Members to have, in full view, these earmarks.

Let me say once again we are going to give every Member of this House, in just a few minutes, the chance to vote on whether or not you believe there should be an opportunity for greater enforceability, transparency and disclosure of these earmarks that have been put into place. That promise was made early on; and, unfortunately, it has not been kept. We are going to give Members a chance to decide whether or not that promise should be kept.

So I urge my colleagues to vote ''no'' on the previous question, and that ''no'' vote on the previous question will again allow Mr. DIAZ-BALART the opportunity to offer this very thoughtful amendment that should enjoy very strong bipartisan support.

I thank again my friend from Miami for yielding.

Mr. ARCURI. Madam Speaker, my colleague from the Rules Committee, Mr. DREIER, may want this to be about earmark reform, and he may want this to be about other things, but, frankly, this is a rule about the Lumbee Indians.

Madam Speaker, I am now pleased to yield 5½ minutes to the gentleman from North Carolina (Mr. MCINTYRE) who can talk to us about the rule on the Lumbee Indians.

Mr. MCINTYRE. Madam Speaker, I rise in strong support of the rule for H.R. 65, legislation to grant the Lumbee Indians Federal recognition.

In the late 1500s, when English ships landed on the shores of Roanoke Island off the coast of North Carolina, the English discovered native Americans. Included among those native Americans were both the Cheraw and Pee Dee Indians, who were direct ancestors of the Lumbee Indians.

Later, in 1888, the Lumbees made their first effort at gaining Federal recognition. For at least 500 years, the Lumbee Indians have been inhabitants of this land; and for over half of that time that our country has been in existence, 119 of the 231 years of our country's history, the Lumbee Indians have been seeking the recognition and respect that they deserve.

As the largest tribe east of the Mississippi and the largest nonrecognized tribe in America, it is unfathomable that this tribe of 55,000 people has never been fully recognized by our government. H.R. 65 would provide equal treatment to the Lumbee tribe by correcting a half-measure that was adopted by this Congress in 1956, 51 years ago on this very day.

The 1956 half-measure acknowledged the Lumbees as Indians but cut off the tribe from the Federal statutes that apply to all other Federally recognized tribes. Every other tribe subjected by Congress to such a half-measure has since been fully recognized by a special act of Congress.

This would only apply to the Lumbees. It will not apply to the other tribes. You may hear arguments to the contrary, but this refers to correcting an injustice done by the Lumbee Act of 1956. So it is applicable only to this tribe.

H.R. 65 would do the same thing for the Lumbee tribe as it has done for two other tribes that were put in a similar circumstance. Thus, H.R. 65 is a long-overdue act of justice that would treat this tribe just like every other tribe in the same position has been treated. There is no question that the Lumbee Indians constitute an Indian tribe.

The State of North Carolina has consistently recognized that since 1885 under a series of State statutes, using different names for the tribe, until 1952, when the tribe held a referendum to decide upon its own name and not take a name imposed on it. They adopted the name Lumbee, drawn from the name of the river that the tribe was found at the time of the first white contact with these Indians in the 1730s.

The State amended its law to recognize the tribe under the name Lumbee in 1953, and that same bill was introduced in Congress to obtain Federal recognition under that same name. Before the Federal bill was enacted, though, Congress amended the bill to include termination language; and, as a result, Congress recognized the tribe in name only at the same time in 1956.

□ 1430

Because of this 1956 half-measure, the Solicitor General of the United States has ruled that the Lumbee tribe is not eligible for the tribal recognition process currently administered by the Department of the Interior and the Bureau of Indian Affairs. The Solicitor General has already ruled that the tribe has to come back to Congress to correct this injustice. Congress did it; Congress needs to correct it.

In any case, there's no need to send this back to the BIA. Why? Because the Department of Interior has already studied this tribe 11 separate times and each time has concluded that the Lumbees are indeed Indian, and they are descended principally from the Aboriginal Cheraw Tribe. The Department's own records also show that the modern day Lumbees are the same Indians first recognized by the State of North Carolina back in 1885 and by Congress by name in 1956. So Congress itself has put the Lumbee tribe in the Indian ''No Man's Land'' with the enactment of the 1956 half measure.

Congress has done this in the past to two other tribes, the Tiwas of Texas and the Pascua Yaqui of Arizona. In both cases, Congress has since gone back, passed special statutes extending full recognition to those tribes. So there is direct precedent for this action today, and it only is applicable to the Lumbees, and in all fairness, Congress should do the same for the Lumbees that they've done for other tribes that were in this unique position. This is all that we're asking, for the Lumbee tribe to be treated equally and fairly like every other tribe in this situation has been treated. If this is not done, the Lumbees will continue to be the only tribe in America left in this legal limbo, and that's fundamentally unfair to the Lumbee tribe. The recognition of an Indian tribe has always been done by the United States. Ultimately it's Congress's responsibility. More than half of the 565 tribes now federally recognized were recognized by Congress. And even after the Department of Interior established a separate procedure in 1978, Congress itself has still taken the effort to recognize nine tribes by special legislation when there were special circumstances, which is what we have here, special circumstances.

In 1935, D'Arcy McNickle, the Special Indian Agent of the Bureau of Indian Affairs, reported to Congress; this Special Indian Agent of the Bureau of Indian Affairs back in 1935 concluded, ''that they are Indians cannot be doubted,'' and I quote.

So now, in 2007, I trust that you and my colleagues will agree it is time for discrimination to end and recognition to begin. Join me in finally rectifying this wrong. Vote for the rule and vote for recognition for the Lumbee tribe.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, in a few minutes I will be asking for a ''no'' vote on the previous question so that we can amend this rule to allow the House to consider a change to the Rules of the House to restore accountability and enforceability to the earmark rule.

Now, by defeating the previous question, we wouldn't be derailing consideration of this important legislation today. But we would be fixing an unfairness, rectifying an unfairness in the House Rules. And we believe very strongly in this.

At this time, Madam Speaker, and I had an opportunity in the Rules Committee yesterday to point out to Mr. SHULER and Mr. SHAYS that, as I've stated before, on the floor of this House today, I oppose the substance of the amendment that they brought before us, but I certainly support it and support, at this time, their right to be heard.

It's unfortunate that the rule, the closed rule bringing the legislation to the floor today, has closed out all of the Members of the House, including Mr. SHULER and Mr. SHAYS.

Madam Speaker, at this time I'd like to yield 3 minutes to the distinguished gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Madam Speaker, I do want to commend Congressman MCINTYRE for his labors of love and his efforts to bring this to the floor and his support for this.

I happen to oppose him on this for several reasons, and I want to say that I'm from North Carolina, as well as Mr. MCINTYRE. This has been an ongoing issue, as he made reference to in his comments, for years and years. But this issue of the Lumbee should be allowed to go through the existing Federal process. And I believe sincerely that Representatives SHULER and SHAYS offered an amendment in the Rules Committee to allow this to happen, but sadly, it was rejected.

The BIA process allows non-biased experts to objectively examine historical evidence and make decisions based on seven strict criteria. If there are problems with the process, then we should fix the process; ''we'' meaning the Congress. But Congress should not start down this slippery slope of hijacking the objective BIA process and start recognizing tribes on its own. This is and would be a serious mistake.

Madam Speaker, roughly 250 native groups have applications pending at BIA, Bureau of Indian Affairs. If we pass this bill, all of these groups will come knocking at the door of Congress seeking Federal recognition, and it will be impossible for those of us in Congress to say no.

Lumbees' tribal origins are suspect, at best. Over time, they have self-identified themselves as four different tribes: Cherokee in 1924; Cheraw in 1933; Siouan in 1934; and now they are Lumbees. This makes it all the more important for experts to determine their eligibility, not subjective Members of Congress.

Madam Speaker, the CBO says Federal recognition of Lumbees would cost $489 million in the first 5 years; $489 million in the first 5 years. I hope that my colleagues on both sides of the aisle, who maybe support this legislation, would allow this Congress, on such an important issue, to debate it, to debate amendments, and let's see how we can at least let the American people know that this is an open process and not a closed process.

And, Madam Speaker, I will tell you again, in closing, that many people in North Carolina are familiar with this issue and the history of the Lumbees. And their heritage is in question.

With that, Madam Speaker, I hope that my colleagues will vote against the rule and the legislation.

Mr. ARCURI. Madam Speaker, in response to my colleague from North Carolina, I would have to say that

while it is the role of the Bureau of Indian Affairs to certainly deal with Indian tribes, we have delegated that responsibility to them as Congress, to that agency. We have not abdicated our responsibility. That is our responsibility as Congress. We should not give over our responsibility in any particular area completely to an agency. We have delegated that responsibility to them, and I think it is the responsibility and the duty of people in Congress to bring forth recognition in cases such as this.

With that, I would like to yield 4 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Madam Speaker, I rise to support the proposed rule to bring this bill, H.R. 65, for consideration. And I certainly would like to commend my good friend, the gentleman from New York, who's managing this legislation, and my good friend from Florida, the opposition, for their being here and to deliberate on the importance of this bill.

Madam Speaker, this is not a Republican or a Democratic piece of legislation. I say this because this bill has the absolute support of the chairman of the Committee on Natural Resources, Mr. RAHALL, and also the senior ranking member, the distinguished gentleman from Alaska, Mr. DON YOUNG. So we have bipartisan support to this proposed bill. In fact, over 215 Members have already sponsored this proposed legislation.

And I would be remiss if I did not give special commendation for the outstanding job that the gentleman from North Carolina has put in trying to bring this legislation for the last 6 years I believe, the gentleman from North Carolina, Mr. MCINTYRE. And I do commend him very much for his leadership and for his sensitivity in bringing this legislation out to the floor.

Madam Speaker, H.R. 65 would extend Federal recognition status to the Lumbee tribe of North Carolina. Several studies undertaken by the Department of the Interior have consistently concluded that the Lumbees are a distinct self-governing Indian community historically located on the Lumbee River in North Carolina.

This legislation is long overdue. Indeed, Congress passed the Lumbee Act of 1956. On its surface, one would deduce that this law was to provide Federal recognition to the Lumbee people. Instead, Congress perversely added a provision making the Lumbee Indian people ineligible for the services provided by the United States to other federally recognized tribes.

Today, we are simply here to rectify this injustice. This bill was reported by the Natural Resources Committee by a vote of 24–7. The tribe agreed to the provision that no gaming operation is ever to be part of their operations if they are ever to be recognized.

Madam Speaker, finally, I would note that the tribe has sought recognition through the current administrative procedure which was developed by the Bureau of Indian Affairs, which, by the way, was done through Federal regulation. It was not done by statutory mandate by the Congress. But this is not an option for them.

In 1989, the Associate Solicitor for Indian Affairs at the Department of Interior made the determination that the Lumbee Indian people are not eligible for the current process, and the fact that we have to go back to the provisions of the Lumbee Act of 1956. So there is no other option to obtain justice for these people, Madam Speaker.

And let me note that Congress is empowered to recognize Indian tribes, just as we have recently done for the Virginia Indian tribes. There are some 560 federally recognized Indian tribes in our country, and of those, Congress recognized 530 of them.

Madam Speaker, the times that I've met with the many members of this distinguished tribe, they noted to me, they say that many of them have fought, members of that tribe have fought in the defense of our Nation. And for a population of 53,000, and I believe six members of this tribe have already died from this terrible conflict that we're faced with now in Iraq. And to me, that is a way to show the patriotism, and we owe the people this recognition, I submit, Madam Speaker.

I urge my colleagues to support the proposed rule and pass this proposed bill, H.R. 65.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 7 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Speaker, I wish I had just come to Congress, because then I could believe what I'm hearing from the other side of the aisle. I could have total ignorance about the past and feel comfortable with what we're doing. The problem is I've been here 20 years, and I know what we're doing. We are returning to the old ways under the Democratic Party that bypassed the Bureau of Indian Affairs, and lots of people made lots of money in the process.

This is not an open rule. This is not a restricted rule. This is a closed rule. And for a freshman Member of Congress to stand up and justify a closed rule and not even allow a debate on whether the Bureau of Indian Affairs should be involved blows me away.

The Bureau of Indian Affairs, if it needs to be fixed, how are you going to know about it unless you have a debate?

But you don't want a debate. You want a closed rule. You do not want a debate about this issue. And why? It's pretty obvious.

If you look at the record, it's very different than what was described. If you talk about what happened, it's very different than what was described.

When it came before the committee in the 1950s, the Member bringing it out, Mr. Carlyle, said, ''Now, I should like for you to recall that there's nothing in this bill that requests one penny of appropriation of any kind. There is nothing in this bill that would call for any upkeep or expenditure. It just simply relates to the name of these people of that county.''

And then we go on.

□ 1445

The first question that was asked by Mr. Aspinall: ''What are the tribal origins of these Indians?''

And then he asks: ''I can understand that they may have some Indian blood to that effect, but surely they have some Indian blood in their veins from other acknowledged tribes of the day.''

''Mr. Carlyle: 'I think perhaps I have a member of that race here who would be able to answer that question.'

''Mr. Aspinall: 'The next question would be: What benefit would they expect to get from this? Just purely the name Lumbee Indian Tribe does not appear to me to give too much importance to it, unless they expect to get some recognition later on as members of some authorized tribe and then come before Congress asking for the benefits that naturally go to recognized tribes.'

''Mr. Carlyle: 'No one has ever mentioned to me any interest in that, that they had any interest in becoming a part of a reservation or asking the Federal Government for anything. Their purpose in this legislation is to have a name that they think is appropriate for their group. I do not know that they refer to themselves as a tribe. They are citizens who belong to the Indian race, and they were interested in having a name that would have, they think, some significance.' ''

And then he goes on to say: ''Well, I just do not know of any particular tribe of Indians in this country that they claim to be associated with.''

That is the history of the debate.

And then we go to the floor of the House:

''Mr. Ford: 'Mr. Speaker, reserving the right to object, I should like to ask the author of the bill, the gentleman from North Carolina, whether or not the bill, if enacted, would in any way whatsoever commit the Federal Government in the future to the furnishing of services or monetary sums.'

''Mr. Carlyle: 'Mr. Speaker, I am happy to say that the bill does not provide for that, nor is it expected that it will cost the government one penny.'

''Mr. Ford: 'There is no obligation involved, as far as the Federal Government is concerned, if this proposed legislation is approved?'

''Mr. Carlyle: 'None whatsoever.'

''Mr. Ford: 'It simply provides for the change of the name?' ''

That is all the bill did. It wasn't intended to do something else. It wasn't intended to make them a tribe with all the benefits. It was simply to give them a name. And to come before this Chamber and suggest that somehow this bill was to do more is an outrage.

Now, what we are doing today is to bypass the Bureau of Indian Affairs. The Bureau of Indian Affairs has to see that there was a political, social, and economic association. That is what this tribe has to prove. But they don't want them to go before the Bureau of Indian Affairs because this is a tribe that had no name. It had no reservation. It had no language.

Now, if I am wrong, then the Bureau of Indian Affairs should be the one to decide. But I would say as strongly as I can say—no one here has the capability to know if this is truly a tribe.

Now, why would we want the Bureau of Indian Affairs to decide whether it is a tribe? Because they study it. They do the research on it. They determine that there is some legitimacy. If you create an Indian tribe that is truly not meeting the Federal standard, you make a mockery of every Indian tribe that exists today that can prove it.

I would just like to close by saying that you are opening up a Pandora's box. You are letting the floodgate in. And the best proof is my colleague from American Samoa who said we just did it a few months ago or weeks ago for someone else. It's no different. Now we do this. And then the next Member is going to come in and say, You did it for them and you did it for them. How come not us?

I know that former Representative Simmons, former Representative Johnson, and I have opposed tribes in our State of Connecticut bypassing the process. If they meet the standard, they should become a tribe. If they don't, they shouldn't. And I would just say to any of my colleagues who may have gotten elected in the meantime that if you allow this to happen you are going to allow a floodgate, and if you have a State-recognized tribe, they are going to come and say, I am a State-recognized tribe. Make me a Federal-recognized tribe. Make me a sovereign nation. Give me all the benefits that true tribes that are federally recognized have.

I encourage my colleagues to vote down this rule, allow an honest debate about the Bureau of Indian Affairs. What are you afraid of? To have a debate about the need to have the Bureau of Indian Affairs look at it? What are you so concerned about? What don't you want the public to know?

This is a closed rule. It is totally restricted, and it is an outrage.

Mr. ARCURI. Madam Speaker, I yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA) to respond.

Mr. FALEOMAVAEGA. Madam Speaker, I do want to say I do have the highest respect for my good friend and colleague who has just taken the floor. In fact, I do want to commend him as a former Peace Corps volunteer for the islands of Fiji. And, as I said, I don't question some of the dialogue or the conversations or part of the CONGRESSIONAL RECORD that was taken from previous Congresses and other Members of Congress in the previous years in dealing with the issue. But let me share with my colleagues the situation of how we have dealt with the American Indians.

Madam Speaker, I submit our first policy, our first national policy, was to kill the Indians. Get rid of them.

Following that, our next policy was let's assimilate the Indians, make them all part of America.

And then, guess what? The next policy was to terminate the Indians. Don't give them any sense of recognition as a people.

These are our national policies in eras and periods of how we have dealt with Native Americans. So now the fourth policy that we now enunciated is let's find a system or procedure of how we can recognize them as Indian tribes.

Let me share with my colleagues what happened on that specific day when we held a hearing on the Lumbee Indians. This was years ago. One of the tribal chiefs of the Lumbee Indians testified before our committee and said they had to examine their teeth, their teeth, to see if they looked like Indians and having a certain structure of their facial features to make them look like Indians.

I must submit, Madam Speaker, the process that my good friend talks about was not developed until 1975 and thereafter. And the very person who wrote the regulation where these Indian tribes had to meet seven criteria in order for this Indian process to be completed and they would say now you are federally recognized, well, the person who wrote that regulation made a submission before our committee and said, even I would not have been able to submit an application if this is what we have to go through as the process. It is the most expensive process that we have had to burden Indian tribes to come up with.

And I must say, Madam Speaker, with all due respect to my good friend from Connecticut, I don't doubt his sincerity in terms of what he said. The process has failed. There is no question. But we have just recognized four or five Indian tribes from the State of Virginia. So how does that make it different in the State of North Carolina for this tribe, the Lumbee Indians? Over 100 years these people have been fighting for recognition, and they deserve that recognition, Madam Speaker.

Let me give a bit of history to my colleagues. We held 389 treaties with the American Indians, and guess what? We broke every one of them. That is the kind of history that we have had in dealing with Native Americans. They deserve better, Madam Speaker.

Again, I urge my colleagues to support this rule. Support this legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, before closing, I would like to yield 2 minutes to the distinguished gentleman from Connecticut, who would like to make some other remarks.

Mr. SHAYS. Madam Speaker, I thank my colleague for yielding.

The arguments we just heard, though, are what frightens me the most. Because my colleague has said the Bureau of Indian Affairs is broken; therefore, Congress should be the ones to decide.

So will you tell me how Congressman MURPHY opposes the Schaghticokes when they come and make that argument? Just come to Congress, and if he has the political clout, they become a federally recognized tribe.

What do we say to my colleague, JOE COURTNEY, who has taken Mr. Simmons place, about the Eastern Pequots? We are saying, go before the Bureau of Indian Affairs. Now they are just going to come to him and say, you did it twice.

What do they say to me with the Golden Hill Paugussetts, who want to build a casino in Bridgeport and want to be recognized as a federally recognized tribe because all three of these tribes have State recognition?

We want to make sure they meet the standard. If they meet the standard, that is fine. But what you have done by your argument is just simply say, don't go through that process. It's broken. We are not going to fix the process. Just come to your Member of Congress and if they have the political clout, get it through. And that is what scares me more than I can express.

Mr. FALEOMAVAEGA. Madam Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman.

Mr. FALEOMAVAEGA. Madam Speaker, I just want to say to my good friend that I did submit proposed legislation to rectify the process that has failed. But, unfortunately, we have still not taken up the legislation, so I want to try it again.

Mr. SHAYS. Madam Speaker, reclaiming my time, why don't we take that up first before we go through this process?

Mr. FALEOMAVAEGA. I will submit to my good friend, Madam Speaker, the situation that, dealing with the Lumbee Indians, the Congress did formally recognize them in 1956 and there was no process in place.

Mr. SHAYS. Reclaiming my time, they recognized name only. That is all the tribe asked for. They wanted nothing else. And it wasn't Congress that did it against their objection. They did exactly what they asked for.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Madam Speaker, in answer quickly to the questions raised by my colleague from Connecticut when he says they don't want to go before the BIA because they do the research, that is absolutely incorrect. We have records of 11 studies that the BIA has done and every time concluded this was an Indian tribe.

Secondly, he says this is opening a Pandora's box; what do we say to the other tribes? This deals with one tribe

with a specific statute that the Congress of the United States passed 51 years ago today called the Lumbee Act of 1956. That is what we answer. We are dealing with that specific law dealing with this specific tribe, and we have a specific bill today to answer the injustice Congress has done to this specific tribe that only deals with the Lumbee Tribe.

Third, there must be something, I guess, magical about going to the BIA. He asks, what are we afraid of? The answer is nothing. Not only have 11 studies already been done by the BIA, but the General Accounting Office itself says in conclusion in their own regulations under the law that authorized the BIA, the BIA's recognition process was never intended to be the only way groups could receive Federal recognition, and that is in statutory language itself.

So what are we afraid of? Nothing. They have been through 11 examinations. We are ready to rectify an injustice that occurred 51 years ago today. I believe it is long overdue that Congress do the right thing.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I will be asking for a ''no'' vote on the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

Under the current rule, so long as the chairman or sponsor of a bill, joint resolution, conference report, or manager's amendment includes either a list of earmarks contained in the bill or report or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress.

However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the Democratic majority Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule. This was most recently discovered on the question of the Murtha earmark on the Intelligence authorization bill.

This amendment will restore the accountability and enforceability of the earmark rule to where it was at the end of the 109th Congress and provide Members with an opportunity to bring the question of earmarks before the House for a vote. Without these changes, the new earmark rule is nothing more than a fig leaf.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material into the RECORD immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, at this time, while reiterating my support for the underlying legislation, which I think is worthy legislation and has been thoroughly studied, I think it is most unfortunate that it has been brought forth with a totally closed rule.

□ 1500

I ask my colleagues to join me in defeating the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

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

Mr. ARCURI. Madam Speaker, for over 100 years the Lumbee Indians have been recognized by their home State of North Carolina.

The Department of the Interior has researched the Lumbee history on 11 separate occasions. Numerous bills have been introduced, many congressional hearings have been held, and the Department of the Interior has stated that the Lumbee are not eligible for the Department's recognition process because of Congress' action in 1956.

The gentleman from Connecticut has asked the question, what are we trying to hide? That's insulting. There is nothing that anyone is trying to hide. What we are trying to do is recognize a long-overdue injustice and recognize the Lumbee Tribe. That is what this bill is about, that is what all the hard work from the gentleman from North Carolina is about, is to rectify a long-overdue injustice.

Clearly, the time for half-measures is over. We have a responsibility to address the issue and write the final chapter of the unfortunate Lumbee Indian Federal recognition saga, which has gone on far too long.

Madam Speaker, I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 465 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following new section:

SEC. 3. Clause 9(c) of Rule XXI is amended to read as follows:

''(c) As disposition of a point of order under paragraph (a), the Chair shall put the question of consideration with respect to the bill, joint resolution, or conference report, or amendment described in paragraph (a)(3). The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.''.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 192, not voting 23, as follows:

[Roll No. 444]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Courtney
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Alexander
Blackburn
Cantor
Davis, Jo Ann
Doyle
Eshoo
Gerlach
Hastert
Hastings (FL)
Holden
Jefferson
Kagen
LaHood
McNulty
Miller (NC)
Pickering
Pomeroy
Porter
Shadegg
Slaughter
Smith (NJ)
Tancredo
Watson

□ 1527

Mrs. CUBIN, Mrs. MCMORRIS RODGERS and Mr. MARCHANT changed their vote from ''yea'' to ''nay.''

Ms. MOORE of Wisconsin and Ms. DELAURO changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Madam Speaker, on rollcall No. 444, had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. ARCURI. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 193, not voting 25, as follows:

[Roll No. 445]

AYES—214

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—193

Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Courtney
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan

Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kennedy
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (WI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Alexander
Bishop (GA)
Blackburn
Cantor
Davis, Jo Ann
Deal (GA)
Doyle
Eshoo
Gerlach
Hastings (FL)
Holden
Jefferson
Kagen
LaHood
Lewis (GA)
Lynch
McNulty
Miller (NC)
Pickering
Pomeroy
Porter
Shadegg
Smith (NJ)
Stark
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

□ 1535

Mr. ROSS changed his vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LEWIS of Georgia. Madam Speaker, on rollcall No. 445, had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Madam Speaker, on rollcall No. 445 to H. Res. 465, I was mistakenly recorded as an ''aye''. My intended vote was ''no''.

Mr. RAHALL. Madam Speaker, pursuant to House Resolution 465, I call up the bill (H.R. 65) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 65

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 ''Lumbee Recognition Act''.

SEC. 2. PREAMBLE.

The preamble to the Act of June 7, 1956 (70 Stat. 254), is amended as follows:

(1) By striking ''and'' at the end of each clause.

(2) By striking '': Now, therefore,'' at the end of the last clause and inserting a semicolon.

(3) By adding at the end the following new clauses:

''Whereas the Lumbee Indians of Robeson and adjoining counties in North Carolina are descendants of coastal North Carolina Indian tribes, principally Cheraw, and have remained a distinct Indian community since the time of contact with white settlers;

''Whereas since 1885 the State of North Carolina has recognized the Lumbee Indians as an Indian tribe;

''Whereas in 1956 the Congress of the United States acknowledged the Lumbee Indians as an Indian tribe, but withheld from the Lumbee Tribe the benefits, privileges and immunities to which the Tribe and its members otherwise would have been entitled by virtue of the Tribe's status as a federally recognized tribe; and

''Whereas the Congress finds that the Lumbee Indians should now be entitled to full Federal recognition of their status as an Indian tribe and that the benefits, privileges and immunities that accompany such status should be accorded to the Lumbee Tribe: Now, therefore,''.

SEC. 3. FEDERAL RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254), is amended as follows:

(1) By striking the last sentence of the first section.

(2) By striking section 2 and inserting the following new sections:

''SEC. 2. (a) Federal recognition is hereby extended to the Lumbee Tribe of North Carolina. All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Lumbee Tribe of North Carolina and its members.

''(b) Notwithstanding the first section, any group of Indians in Robeson and adjoining counties, North Carolina, whose members are not enrolled in the Lumbee Tribe of North Carolina as determined under section 3(c), may petition under part 83 of title 25 of the Code of Federal Regulations for acknowledgement of tribal existence.

''SEC. 3. (a) The Lumbee Tribe of North Carolina and its members shall be eligible for all services and benefits provided to Indians because of their status as members of a federally recognized tribe. For the purposes of the delivery of such services, those members of the Tribe residing in Robeson, Cumberland, Hoke, and Scotland counties in North Carolina shall be deemed to be residing on or near an Indian reservation.

''(b) Upon verification by the Secretary of the Interior of a tribal roll under subsection (c), the Secretary of the Interior and the Secretary of Health and Human Services shall develop, in consultation with the Lumbee Tribe of North Carolina, a determination of needs and budget to provide the services to which members of the Tribe are eligible. The Secretary of the Interior and the Secretary of Health and Human Services shall each submit a written statement of such needs and budget with the first budget request submitted to Congress after the fiscal year in which the tribal roll is verified.

''(c) For purposes of the delivery of Federal services, the tribal roll in effect on the date of the enactment of this section shall, subject to verification by the Secretary of the Interior, define the service population of the Tribe. The Secretary's verification shall be limited to confirming compliance with the membership criteria set out in the Tribe's constitution adopted on November 11, 2000, which verification shall be completed not less than 1 year after the date of the enactment of this section.

''SEC. 4. Fee lands which the Tribe seeks to convey to the United States to be held in trust shall be treated by the Secretary of the Interior as 'on-reservation' trust acquisitions under part 151 of title 25 of the Code of Federal Regulations (or a successor regulation) if such lands are located within Robeson County, North Carolina.

''SEC. 5. (a) The State of North Carolina shall exercise jurisdiction over—

''(1) all criminal offenses that are committed on; and

''(2) all civil actions that arise on, lands located within the State of North Carolina that are owned by, or held in trust by the United States for, the Lumbee Tribe of North Carolina, or any dependent Indian community of the Lumbee Tribe of North Carolina.

''(b) The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described in paragraph (1) pursuant to an agreement between the Lumbee Tribe and the State of North Carolina. Such transfer of jurisdiction may not take effect until 2 years after the effective date of the agreement.

''(c) The provisions of this subsection shall not affect the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

''SEC. 6. There are authorized to be appropriated such sums as are necessary to carry out this Act.''.

The SPEAKER pro tempore. Pursuant to House Resolution 465, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110–180, is adopted and the bill, as amended, is considered read.

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

H.R. 65

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 ''Lumbee Recognition Act''.

SEC. 2. PREAMBLE.

The preamble to the Act of June 7, 1956 (70 Stat. 254), is amended as follows:

(1) By striking ''and'' at the end of each clause.

(2) By striking '': Now, therefore,'' at the end of the last clause and inserting a semicolon.

(3) By adding at the end the following new clauses:

''Whereas the Lumbee Indians of Robeson and adjoining counties in North Carolina are descendants of coastal North Carolina Indian tribes, principally Cheraw, and have remained a distinct Indian community since the time of contact with white settlers;

''Whereas since 1885 the State of North Carolina has recognized the Lumbee Indians as an Indian tribe;

''Whereas in 1956 the Congress of the United States acknowledged the Lumbee Indians as an

Indian tribe, but withheld from the Lumbee Tribe the benefits, privileges and immunities to which the Tribe and its members otherwise would have been entitled by virtue of the Tribe's status as a federally recognized tribe; and

''Whereas the Congress finds that the Lumbee Indians should now be entitled to full Federal recognition of their status as an Indian tribe and that the benefits, privileges and immunities that accompany such status should be accorded to the Lumbee Tribe: Now, therefore,''.

SEC. 3. FEDERAL RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254), is amended as follows:

(1) By striking the last sentence of the first section.

(2) By striking section 2 and inserting the following new sections:

''SEC. 2. (a) Federal recognition is hereby extended to the Lumbee Tribe of North Carolina, as designated as petitioner number 65 by the Office of Federal Acknowledgement. All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Lumbee Tribe of North Carolina and its members.

''(b) Notwithstanding the first section, any group of Indians in Robeson and adjoining counties, North Carolina, whose members are not enrolled in the Lumbee Tribe of North Carolina as determined under section 3(c), may petition under part 83 of title 25 of the Code of Federal Regulations for acknowledgement of tribal existence.

''SEC. 3. (a) The Lumbee Tribe of North Carolina and its members shall be eligible for all services and benefits provided to Indians because of their status as members of a federally recognized tribe. For the purposes of the delivery of such services, those members of the Tribe residing in Robeson, Cumberland, Hoke, and Scotland counties in North Carolina shall be deemed to be residing on or near an Indian reservation.

''(b) Upon verification by the Secretary of the Interior of a tribal roll under subsection (c), the Secretary of the Interior and the Secretary of Health and Human Services shall develop, in consultation with the Lumbee Tribe of North Carolina, a determination of needs and budget to provide the services to which members of the Tribe are eligible. The Secretary of the Interior and the Secretary of Health and Human Services shall each submit a written statement of such needs and budget to Congress after the tribal roll is verified.

''(c) For purposes of the delivery of Federal services, the tribal roll in effect on the date of the enactment of this section shall, subject to verification by the Secretary of the Interior, define the service population of the Tribe. The Secretary's verification shall be limited to confirming compliance with the membership criteria set out in the Tribe's constitution adopted on November 16, 2001, which verification shall be completed within 2 years after the date of the enactment of this section.

''SEC. 4. (a) Fee lands which the Tribe seeks to convey to the United States to be held in trust shall be treated by the Secretary of the Interior as 'on-reservation' trust acquisitions under part 151 of title 25 of the Code of Federal Regulations (or a successor regulation) if such lands are located within Robeson County, North Carolina.

''(b) The tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

''SEC. 5. (a) The State of North Carolina shall exercise jurisdiction over—

''(1) all criminal offenses that are committed on; and

''(2) all civil actions that arise on, lands located within the State of North Carolina that are owned by, or held in trust by the United States for, the Lumbee Tribe of North Carolina, or any dependent Indian community of the Lumbee Tribe of North Carolina.

''(b) The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described in paragraph (1) pursuant to an agreement between the Lumbee Tribe and the State of North Carolina. Such transfer of jurisdiction may not take effect until 2 years after the effective date of the agreement.

''(c) The provisions of this subsection shall not affect the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

''SEC. 6. There are authorized to be appropriated such sums as are necessary to carry out this Act.''.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 65.

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

There was no objection.

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

To my colleagues on both sides of the aisle, this measure, which would extend Federal recognition to the Lumbee Tribe of North Carolina, is long overdue. For over 115 years, this tribe has sought Federal recognition only. When Congress finally stepped in to take action on this matter, it was in the midst of the termination era, an era in which the Federal Government was in the process of terminating its relationship with existing federally recognized tribes. As a result, Congress recognized the Lumbee Tribe in 1956, but in the same breath it terminated its relationship with the tribe.

At no time has the Department of the Interior ever opposed Federal recognition for this tribe based on a belief that the Lumbees are not entitled to such status. Indeed, several studies undertaken by the Department of the Interior have consistently concluded that the Lumbees are a distinct, self-governing Indian community historically located on Drowning Creek, now the Lumber River, in North Carolina.

Although the State of North Carolina has recognized the tribe for over 100 years, it has done so under various names. The State of North Carolina, not the Lumbees, is responsible for the various names imposed upon the tribe.

It was not until the tribe pressured the State that the tribe was authorized to conduct a referendum to choose its own name. When it did so in 1951, it chose the name ''Lumbee Indians of North Carolina.'' This is the only name ever selected by the tribe, and it is this name by which Congress, in 1956, recognized the Lumbees.

Some have expressed a concern about the cost of this bill. I want to note that the cost of this bill is for discretionary programs only. There is no mandatory spending. Any actual cost of this bill is subject to appropriations.

Others have expressed concern that the size of the Lumbee Tribe will unduly impact the tribes in their districts. This is not a reason to single out the Lumbees.

The Lumbees are Indians organized as a tribe, and they deserve Federal recognition and access to the benefits and services in the same manner as other federally recognized tribes. Congress should not determine whether or not to honor its responsibilities to Indian tribes based on cost.

To address claims that the tribe is only interested in Federal recognition so they may conduct gaming, the tribe supported an outright gaming prohibition which has been included in this bill. The gaming prohibition precludes the Lumbee Tribe from engaging in, licensing, or regulating gaming pursuant to the Indian Gaming Regulatory Act or any other Federal law.

Extending Federal recognition to the tribe at this time is not something new nor does it bypass the administrative process established by the Bureau of Indian Affairs.

Congress first recognized the tribe in 1956. But because of our actions at that time, the tribe is not eligible for the administrative process. Congress is solely responsible for the injustice committed on this tribe. Now, after over 50 years, it is up to us to correct the wrong that Congress imposed so many years ago.

This legislation is sponsored by our colleague, Representative Mike McIntyre of North Carolina, and enjoys bipartisan support, including North Carolina Representatives BUTTERFIELD, ETHERIDGE, PRICE, COBLE, HAYES, MILLER and WATT.

I certainly commend Representative MIKE MCINTYRE of North Carolina for his dedication, his persistence, and his devotion to the Lumbee Indian Tribe. They have no better friend in the Congress of the United States.

I, too, am a cosponsor of H.R. 65; and I am pleased that Natural Resources ranking member, Mr. DON YOUNG, is also a strong supporter.

Importantly, the Governor of North Carolina, Mike Easley, supports this measure, as do two former Governors, former Republican Governor Martin and former Democratic Governor Hunt.

The pending measure was reported by the Natural Resources Committee by a roll call vote of 24–7.

In closing, I again commend the gentleman from North Carolina (Mr. MCINTYRE) for his dedication to this issue. Through his tireless efforts, the bill before us today has 215 cosponsors.

So let us join in this effort to grant the Lumbee Tribe the recognition they

have long deserved. As Coach Kelvin Sampson, basketball coach at Indiana University noted in his testimony at our hearing, the Lumbees do not need our permission to call themselves Native American, but, unfortunately in today's world, they need our validation. It is up to us to do the right thing by extending Federal recognition to the tribe.

I urge all of my colleagues to join me in supporting the pending measure.

Madam Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Madam Speaker, I compliment the chairman of the committee, Mr. RAHALL. As many of my colleagues know, I have long supported the efforts of the Lumbee Tribe to be federally recognized.

I have had discussions with the sponsor of the bill who represents them, the gentleman from North Carolina (Mr. MCINTYRE). I have studied their case for many years when I served as ranking member and chairman of the Committee on Resources.

The Lumbee's quest for recognition has been going for more than 100 years, which seems to be longer than almost any other tribe currently in the recognition process. During this time, the Lumbees have been put under a microscope and subjected to intensive debate by the State of North Carolina, the Bureau of Indian Affairs, the Congress, historians, and other Indian tribes.

In my judgment and that of the committee, this is clearly a distinct community of Indian people who meet the definition of ''tribe'' under article I, section 8 of Constitution; and the fact that more than 200 Members of this body have cosponsored H.R. 65 attests to the tribe's legitimacy.

□ 1545

Here are some of the facts about the Lumbee tribe. It is a State-recognized tribe. It has submitted huge amounts of documentation to prove that it is an autonomous Indian community that can trace links to a historic tribe. Even the Act of 1956, which terminated the tribe, helps to prove their case.

The reason for this is that, in order to be terminated by Congress, you first must be recognized. The fact that Congress had to identify the Lumbees before terminating them is a clear indication that Congress considered them to be a distinct Indian community within the meaning of the Constitution. Why else would Congress feel a need to prohibit benefits for this community if, as the opposition alleges, they were not eligible for the benefits in the first place?

Ask anyone who has traveled to Robeson County, and they will report that the county is largely governed by the Lumbee people already. In one sense, this bill merely puts a Federal endorsement on the fact that an independent, self-governing tribe exists in North Carolina.

But this is a tribe that still lacks the status of all the other federally recognized tribes. And in lacking the benefits, immunities and the responsibilities accorded to other tribes, the Lumbees are second-class citizens within the Indian world. This is not right.

H.R. 65 corrects this historic injustice, and I urge my colleagues to pass this bill as soon as possible.

Madam Speaker, I reserve the balance of my time.

Mr. RAHALL. Madam Speaker, I yield 8 minutes to the gentleman from North Carolina (Mr. MCINTYRE), who is responsible for this legislation.

Mr. MCINTYRE. Madam Speaker, I would like to place in the RECORD at this point three letters which Mr. RAHALL referred to from North Carolina's three governors over the last 31 years, both Democrat and Republican, including a former Member of this body, Congressman Jim Martin, who later became governor, as well as Governors Jim Hunt and Mike Easley, who support this effort for the Lumbees.

STATE OF NORTH CAROLINA,
April 18, 2007.

Hon. NICK J. RAHALL, II,
Chair, Natural Resources Committee, House of Representatives, Washington, DC.

Hon. DON YOUNG,
Ranking Member, Natural Resources Committee, House of Representatives, Washington, DC.

DEAR CONGRESSMAN RAHALL AND CONGRESSMAN YOUNG: Thank you for the opportunity to submit written comments about pending legislation for federal recognition of the Lumbee Tribe of North Carolina by the Congress of the United States of America. I believe full federal recognition of the Lumbee Tribe by Congress is long overdue.

Recognition of and interaction with the Lumbee people as a unique, distinct Indian tribe began when settlers from Virginia, South Carolina and Europe first arrived in the Cape Fear and Pee Dee River Basins after the Tuscarora War (1711–1715). There, the settlers encountered a well-populated, cohesive American Indian tribal group situated mostly along and to the west of what is now known as the Lumber River in Robeson County. As early as 1890, the U.S. Department of Interior acknowledged this fact among others as evidence that the Lumbee people are American Indians.

A proclamation by colonial Governor Matthew Rowan on May 10, 1753 stated that Drowning Creek (Lumber River in Robeson County) was ''the Indian Frontier.'' Other historical records of the eighteenth and early nineteenth centuries, including Revolutionary War pensions for Lumbees who fought for American independence, attest to the Lumbees as American Indians.

In 1885, North Carolina's General Assembly passed a bill recognizing and naming the Lumbee tribe ''Croatan.'' In 1911 the General Assembly changed their name to the ''Indians of Robeson County'' and in 1913 to ''Cherokee Indians of Robeson County.'' None of these names was chosen by the tribe. In 1953, the State officially changed the tribe's name to ''Lumbee Tribe of North Carolina'' following a 1952 tribal referendum requested by the Lumbees and paid for by the State in which this name was overwhelmingly chosen. These names all apply to the same American Indian tribe.

For more than a century, North Carolina's Governors, various state legislators and Members of the North Carolina Congressional delegation have supported the effort by the Lumbee Tribe to obtain federal recognition, beginning with a petition to Congress in 1888. Enclosed are copies of letters by former Governors James G. Martin (R) and James B. Hunt, Jr. (D)—my immediate predecessors—attesting to the strong bipartisan support for federal recognition that the Lumbee Tribe has enjoyed during the last generation.

In the past, federal recognition has been denied because of opposition by the Bureau of Indian Affairs and Department of Interior on budgetary grounds. Each of several federal investigations into the Lumbees' history, genealogy and ethnicity has concluded that the Lumbees are in fact American Indians. It follows that federal recognition should be authorized for this long-standing American Indian Tribe.

Personally and on behalf of North Carolina, I offer to our fellow Lumbee citizens and to the Congress our full, unqualified support for Congressional recognition of the Lumbee Tribe. I encourage your support for the Lumbee Tribe and for the adoption of this bill.

I thank the House and the Natural Resources Committee for holding this hearing and for allowing me to offer written comments about the Lumbee Tribe recognition bill.

With warm personal regards, I remain

Very truly yours,

MICHAEL F. EASLEY,
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
Raleigh, NC, July 30, 1991.

Hon. DANIEL K. INOUYE,
Chairman, Senate Select Committee on Indian Affairs, Washington, DC.

DEAR SENATOR INOUYE: I have asked James S. Lofton, Secretary of the North Carolina Department of Administration to represent me at the Joint Hearing regarding S. 1036, the Lumbee Recognition Bill, which will be held on August 1. Secretary Lofton will be accompanied by Henry McKoy, Deputy Secretary of the Department of Administration, Patrick O. Clark, Chairman of the North Carolina Commission of Indian Affairs, and A. Bruce Jones, the commission's executive director.

I fully support the passage of S. 1036 and am requesting the support of the Senate Select Committee on Indian Affairs. The State of North Carolina has recognized the Lumbee Tribe as a separate and viable Indian entity since 1885. The passage of S. 1036 will entitle the Lumbee to enjoy the same rights, privileges and services enjoyed by other federally recognized tribes in the nation and will, further, be a major step toward rectifying the inequities suffered by the Lumbee people for centuries.

I thank you for your attention to this matter and will appreciate your favorable consideration of my request.

Sincerely,

JAMES G. MARTIN.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
October 18, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The United States House of Representatives recently passed H.R. 1426 which provides for full federal recognition of the Lumbee Tribe of Cheraw Indians of North Carolina.

I am in support of this legislation as evidenced by the enclosed testimony given on my behalf by Secretary James S. Lofton of the North Carolina Department of Administration at a joint hearing of the Senate Select Committee on Indian Affairs and the House Interior and Insular Affairs Committee held August 1, 1991. H.R. 1426 is now before the United States Senate, as is its companion bill, S. 1036.

I am requesting your support of the passage of this legislation and its subsequent signing into law following its successful passage.

Sincerely,

JAMES G. MARTIN,
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
March 11, 1993.

Hon. BRUCE BABBITT,
Secretary Department of Interior,
Washington, DC.

DEAR BRUCE: I am pleased that you were able to be in our state recently and I appreciated the opportunity to meet with you.

There are approximately 40,000 Lumbee Indians living in North Carolina and they have been officially recognized by the State of North Carolina since 1885. The Lumbees have been seeking federal recognition since 1888. Seven studies have shown them to be an independent Indian community.

I would like to reiterate my strong support for the Congressional process for federal recognition of the Lumbee Indian tribe in North Carolina. As you know H.R. 334, introduced by Congressman Charlie Rose of North Carolina, would provide such recognition. We support that legislation as stated in my letter of January 28, 1993.

Federal recognition of the tribe has been endorsed by the N.C. Commission of Indian Affairs, the Governors' Interstate Indian Council, and the National Congress of American Indians, which is the oldest and largest Indian organization in the country.

In 1956 a bill was passed by the Congress to recognize the Lumbee tribe, but it denied the tribe the benefits or protections afforded to Indians by the U.S. of America.

For over 100 years the Lumbees have tried to obtain federal recognition, but to no avail. It is my opinion that the administrative recognition process that was proposed by the previous administration simply is too cumbersome, time-consuming, costly and has not worked effectively. Therefore, I would urge you to support the Congressional recognition process as proposed by Congressman Rose.

I want to work with you and the President in any way possible to help the Lumbee Tribe receive Congressional recognition. I am confident that this recognition is not only in our state's and the tribe's best interest, but in the interest of the United States as well.

Sincerely,

JAMES B. HUNT, Jr.
Governor.

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
January 28, 1993.

Re Federal Recognition of the Lumbee Indians.

Hon. BRUCE BABBITT,
Secretary, U.S. Department of Interior,
Washington, DC.

DEAR BRUCE: This letter is to ask your assistance in obtaining federal recognition for the Lumbee Indian tribe, which has many members in North Carolina. Congressman Charlie Rose (D–N.C.) has introduced a bill (H.R. 334) that would provide such recognition.

Before the House Subcommittee on Indian Affairs considers H.R. 334, I understand that the Clinton Administration will release its position on the bill. I ask that you and the President support the bill.

The Lumbee have 40,000 enrolled members in the United States and should be recognized. In fact, seven studies in this century have shown them to be an independent Indian community.

I appreciate your consideration of this letter. Please contact Congressman Rose or me if we can assist you in any way this matter.

My warmed personal regards.

Sincerely,

JAMES B. HUNT, Jr.
Governor.

Madam Speaker, 51 years ago today, Congress committed an injustice against the Lumbee tribe, and today, on this 51st anniversary, we have the opportunity to correct this injustice. And that ought to be thrilling for us here to know that, by our action, before we leave to go home this weekend, Congress can affirmatively do something right for 55,000 people who have been overlooked and who have been suffering from the indignity of only being half-recognized in name but never fully recognized as an Indian tribe, the only tribe in America put in this position by the Congress itself by a specific Act Congress passed in 1956.

Madam Speaker, I was born and reared in Robeson County, North Carolina, the primary home of the Lumbee people. I go home there virtually every weekend, and I have the high honor of representing approximately 40,000 of the 55,000 Lumbees who live in my home county. I'm a minority in my home county.

In fact, there are more Lumbees in Robeson County than any other racial or ethnic group. The Lumbee Indians are my friends, many of whom I've known all my life. They're important to the success of everyday life in southeastern North Carolina, and their contributions to our society are numerous and endless.

From medicine and law to business and banking, from the farms and factories to the schools and churches, from government, military and community service to entertainment and athletic accomplishments, the Lumbees have made tremendous contributions to our county, State and Nation.

In fact, in my home county, the former sheriff, the current clerk of court, the register of deeds, the school superintendent, several county commissioners, including the chairman, several school board members and the representative in the State legislature of the area where I live, as well as two of the district court judges and one of the superior court judges are all Lumbee Indians.

Lumbee contributions are also being recognized at home by both the public and private sector. From city councils to county commissioners, from the Chamber of Commerce to the Southeastern Regional Medical Center, all have endorsed the effort to grant the Lumbees Federal recognition.

The Lumbee Indians do not live on a reservation. They are fully integrated in society and have been successful in all phases of society. This is not about gambling. In fact, gaming is specifically prohibited in this legislation.

This issue of Federal recognition for the Lumbee Indians is one that primarily affects two congressional districts, the one that I represent and the adjoining district represented by my friend and colleague, Congressman ROBIN HAYES.

The Lumbees have no lobbyist. They have no national organization that's been hired to come up here and help them. They themselves have set their own record that we admire and respect.

As most of my colleagues here know, I have personally visited with over 300 of you on both sides of the aisle and talked to all of you that I could in one-on-one conversations, explaining the importance of this bill and Congress correcting an injustice that occurred in 1956 under a specific act that Congress passed.

In one aspect or another, the U.S. Congress has deliberated on the issue of Federal recognition for this tribe for over 100 years, 119 years to be exact. Since the Lumbees first came to Congress for recognition, Congress has directed the Department of the Interior to examine the tribe's history. Please listen carefully: Eleven different times the Bureau of Indian Affairs has studied this tribe and has positively concluded that the tribe has strong Indian identity and community.

Some of you may ask, well, why are we even here debating this then? The answer is simple. That answer is that Congress has not rectified the wrong that it perpetrated on the Lumbees in 1956.

At the height of Federal Indian termination policy, an unfortunate time in our country's history, by an act of Congress, Congress enacted a half measure in 1956 that recognized the Lumbees in name only and made them ineligible for Federal benefits. Many years later, in 1989, after going through the process, the Solicitor General of the United States said the Lumbees were ineligible because of that 1956 Act and the Lumbees would have to come back to Congress to get this corrected.

Congress, since 1956, thankfully, has repudiated the Federal Indian termination policy it was implementing back at that time, but the Lumbee tribe still continues to labor under the vestiges of an outdated, outmoded and unfair law. There are only two other tribes in America that were put in this position, the Tiwas of Texas and the Pascua Yaquis of Arizona, where they were recognized specifically by Congress in name only, and in both cases, Congress went back and rectified the situation fully recognizing those tribes.

So what does that mean? Today, this day, the Lumbees are the only tribe in America in this situation, and there is direct legal precedent of congressional

action for what we hope to correct this afternoon.

Therefore, Congress is the only legal entity available for the Lumbees to achieve Federal recognition. This House has passed legislation twice to do that for the Lumbees only to see it not move forward in the Senate.

Today, though, I'm pleased to say that both U.S. senators from North Carolina, ELIZABETH DOLE and RICHARD BURR, a former Member of this body, do support Federal recognition for the Lumbee tribe. Today, there are 215 of my colleagues who have cosponsored this bill. Today can be the first step toward rectifying this wrong of 51 years ago. On this day, June 7, 1956, Congress put the Lumbee tribe in legal limbo, and today, 51 years later, we can finally correct this injustice.

Madam Speaker, in conclusion, let me urge this House not to delay anymore on this issue. Fifty-one years has been long enough; 119 years has been far long enough. Eleven studies already done by the BIA have concluded that these folks deserve being understood as an Indian community, and now we're in the position to move to recognition.

The evidence is clear, cogent and convincing. It's time to say ''yes'' to dignity, ''yes'' to respect, ''yes'' to fundamental fairness, ''yes'' to honor, ''yes'' to Federal recognition. Indeed, it is time for the discrimination to end and recognition to begin.

May God grant us the courage and the will to do the right thing.

Mr. YOUNG of Alaska. Madam Speaker, at this time I yield 5 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my colleague from Alaska for yielding.

Madam Speaker, I rise in strong opposition to my friend and colleague from North Carolina's bill, the Lumbee Recognition Act.

My position on this bill is very straightforward and fair. All groups seeking Federal acknowledgment as Indian tribes should go through the administrative process of the Department of the Interior's Office of Federal Acknowledgment.

This office is staffed with expert historians, anthropologists and genealogists. Their focus is to evaluate data provided by petitioning groups and determine the merits of a group's claim that it is an Indian tribe. This includes whether the group existed since historical times as a distinct political entity.

In this case, the Department of the Interior said the 1956 Lumbee Act prevents the Lumbee from going through this process. Congress should act and lift that restriction. Like other groups, the Lumbees should have the opportunity to attain Federal recognition as a tribe. I agree with that.

However, I cannot support this legislation which will allow the Lumbee or any other group for that matter to circumvent the process. This would be unfair to already existing tribes like the Eastern Band of Cherokee Indians in western North Carolina who have a significant historical and cultural impact on my region of the State. They don't want to see their cultural identity undermined by legislation such as this.

Prominent genealogists have also raised serious questions about the tribal identity of the Lumbee.

Paul Heinegg, award-winning genealogist and author, whose work is recognized by the American Society of Genealogists, has concluded that the Lumbee are ''an invented North Carolina Indian tribe.''

Dr. Virginia DeMarce, former chair of the National Genealogical Society, has published her research on the history of the Lumbee, with findings that contradict H.R. 65, the bill we're debating today. Her research finds that many Lumbee families migrated to Robeson County, North Carolina, from other areas prior to 1,800.

Her research has been corroborated by other notable genealogists who refer to other self-identified Lumbee families as residing in other areas prior to any colonial settlement in Robeson County.

In fact, the name Lumbee is based, as the chairman mentioned earlier, on this group's proximity to the Lumbee River and is a modern creation that the group selected as its name in 1952. In fact, this Lumbee group has petitioned Congress numerous times under the names Cherokee, Siouan, Croatan and Cheraw, among others.

I, along with members of the North Carolina delegation, in bipartisan fashion, have sponsored legislation in this Congress and sponsored legislation in the last Congress that would fix this problem. They could actually have the Lumbee go through the normal process.

In fact, my colleague, Mr. SHULER, has authored legislation this time, which I'm a cosponsor of, that his predecessor sponsored as well, that would clear the way for the Lumbee to go through the normal process. I think we should accept that. In fact, Mr. SHULER, Mr. WALTER JONES, as well as Mr. SHAYS and I offered the amendment that was ruled out of order by the Rules Committee. In fact, the Rules Committee would not let us offer that as an amendment here on the floor today. In fact, that's a responsible way to deal with the Lumbee issue.

Federal recognition matters get caught up in emotion, and let's face it, politics. So, rather than going through this legislative body, I think we should go through the regulatory process for the longstanding government-to-government relationships the United States has established with tribes.

We should take the politics out of Federal recognition and allow the experts at the Office of Federal Acknowledgment to do their jobs. I think that's a responsible way to deal with this issue.

And I would ask my colleagues to vote ''no'' on this bill so we can deal with this in a responsible and reasonable manner, going through the longstanding process that we have established as a Congress.

Mr. RAHALL. Madam Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. SHULER), a very valued member of our Natural Resources Committee.

Mr. SHULER. I thank the chairman.

Madam Speaker, I rise in strong opposition to H.R. 65. I grew up in North Carolina near the Eastern Band Cherokee Indian reservation. I conducted youth camps on the Eastern Band Reservation for young men and women who attended the reservation schools.

The Cherokee people have a distinct, living culture that makes them different from many other people in the world. I'm embarrassed to say that efforts were made right here on this floor to take their language and their culture away from them. Congress has arbitrarily voted on the identity of Indian tribes many times and have gotten it wrong. Today, it will again get it wrong.

There is no historical tribe with the name Lumbee. That name wasn't used until 1952. Over the years, the Lumbee identified themselves as four different tribes, meanwhile they claim the Tuscarora people as part of their group, even though the Tuscarora angrily dispute this.

There is no Lumbee language. There is no reservation. There is no record of any Lumbee being forced out by Andrew Jackson's troops with the Cherokee on the Trail of Tears. Yet, the Congress is being asked to recognize them as the third largest tribe in the U.S.

□ 1600

The Department of Interior testified that there are serious doubts about the identity of the Lumbee. The Congressional Budget Office says recognizing this group would cost nearly $1 billion. Shouldn't we try to get the facts straight before making such a commitment?

The Bureau of Indian Affairs process requires that any petition group meet seven mandatory criteria in order to become Federally recognized. This process involves qualified experts in the field of genealogy, anthropology and Indian history. I strongly oppose any attempts to circumvent this established process by any group.

My great friend, Mr. MIKE MCINTYRE, has pointed out that the Lumbees are not allowed to go through the process. He is right. That's why I have introduced an amendment to this bill which would have allowed the Lumbee to go through the process. That amendment was rejected.

Members of the Congress should not arbitrarily rule on the identity of a people without establishing the facts, and the best way to establish those facts is to let the system work and let the experts do their jobs. Reject this bill and protect the integrity of the process.

I urge my colleagues to vote ''no.''

Mr. YOUNG of Alaska. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. SHAYS) for 5 minutes.

Mr. SHAYS. I want to thank the gentleman for yielding, particularly since he supports the bill. I appreciate the courtesy.

Mr. Speaker, I don't speak on this House floor often, and usually it's about things that I can be a little less passionate about. But I feel this passion because I think the House of Representatives is doing something it will deeply regret.

What it's doing is it's bypassing the Bureau of Indian Affairs process in the name of fairness when there is nothing fair about what we are doing. My colleague stood up and said, may God grant us the courage and will to do the right thing. I would like to say the same thing, may God grant us the courage and will to do the right thing.

The right thing sometimes is standing up to your constituents and saying you may be a large group of people, but there is a process. If I bypass the process, then I open up every congressional district to this same political effort.

Now, there are things that are said that are misleading, I won't say untrue, but very misleading. It's true that there were 11 reports or investigations. The problem was, they were never able to pinpoint that there was an historic Indian tribe called the Lumbee or anything else. They were never able to determine that. Now, this group of Indians, not a tribe, but a group, have basically backed off making requests to go through the process.

What they did, in 1956, was they came and requested one thing and one thing only, and we established that in the rules debate. What they requested was to have a name, because they didn't have a name. They don't have a reservation, they don't have a language, they don't have a name.

So Congress gave them a name that they wanted. That's what Congress did. They said, we don't want anything else. There was nothing unfair about what Congress did. Congress did something that they haven't done for other tribes. They gave a name to a tribe that was requesting a name. Indian tribes don't need to have a name. They have a name, they have a history.

Now, we set up the process of the Bureau of Indian Affairs for a reason, because we are creating a sovereign Nation. I just made reference to the fact that there was testimony from the Assistant Secretary of Indian Affairs, the United States Department of Interior, on April 18, and he basically said, please follow the process. You, Congress, established this process. Now, they didn't say this part. They just said, follow the process, and they pointed out that there are seven criteria.

Now, if they follow the process and they don't meet the seven criteria, then they don't become a federally recognized tribe unless Congress then says, you know what, they met six of them, and we think the one they didn't meet would have been hard for them to determine.

But the amendment that we offered, because this is not an open rule, it's not even a restricted rule, it's a closed rule, we can't have this debate. There's a reason why we don't want to have this debate, I guess, and that is that it's uncomfortable to have and deal with the facts. The facts are, no tribe, no reservation, no language, no name.

But Congress, because there are 50,000 people involved, is going to pass legislation creating a tribe. What my colleague has said in the past is, well, we just did it a few weeks ago. What's the big deal? Well, the big deal is, under the Republicans, we didn't do this, because we knew this is a corrupting process.

I would like to know why there aren't more Democrats who are speaking out against this because they oppose their tribes not going through the process. How are we going to say to the Schaghticokes, how are we going to say to the Eastern Pequots, how am I going to say to the Golden Hill Paugusetts, go through the process. But if you are fortunate and you have someone who is articulate about making an argument and has visited 300 Members, and we all like, you know, that's what it takes.

I know, I will say something I am not comfortable saying. I was asked, did the Republicans earn the right to regain Congress? I said, you know what? We didn't earn the right. I, frankly, thought that a new Congress would maybe be a cleansing process and we would get our act together. I just hope and pray that this new Congress does the right thing.

Mr. RAHALL. Mr. Speaker, I yield 6 minutes to the distinguished member of our Committee on Natural Resources, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. I want to thank the distinguished chairman of our committee and also the distinguished senior member, senior ranking member of our committee, the gentleman from Alaska, for their bipartisan support of this legislation.

Mr. Speaker, I rise in strong support of H.R. 65, the proposed legislation to federally recognize the Lumbee Indian tribe of North Carolina. I commend my good friends and colleagues from North Carolina, especially my good friend, Mr. MCINTYRE, for his perseverance, his leadership and his determination to provide this long-overdue Federal recognition to the Lumbee Tribe. This is a bipartisanship bill. This is not a Republican or a Democratic bill.

Specifically, H.R. 65 extends Federal recognition to the Lumbee Tribe and specifies that tribal members will be eligible for Federal benefits. The bill expressly prohibits the Lumbee Tribe from conducting gaming under the Indian Gaming Regulatory Act or any Federal law. The bill also provides the State of North Carolina with jurisdiction over all civil and criminal matters on land owned by or held in trust for the Lumbee Tribe.

Mr. Speaker, this legislation is long overdue. The existence of the Lumbee Tribe as a distinct Indian community is beyond question. They are descended from the Cheraw and related tribes in North Carolina, and they have lived along the Lumber River since the first white settlers lived in the area. Even today, the tribal members live in a tightly knit community, mostly in Robeson County, North Carolina. Lumbees have been recognized by the State of North Carolina since 1885, and the tribe has been seeking Federal recognition for nearly 120 years.

This legislation is necessary to remedy the inequity created by this very institution. The Congress of the United States of America passed a law in 1956 which federally recognized the Lumbee Tribe but at the same time prohibited the application of Federal programs available like it has done for other American Indian tribes. This act has been interpreted in the courts as conveying Federal recognition and termination of the tribe at the same time but has prevented the Department of Interior from providing Federal recognition to the Lumbee Tribe through the administrative process. As a result, the only recourse available for this tribe is to seek relief from the Congress.

Mr. Speaker, I need not remind my colleagues that the authority to deal with all matters affecting the welfare and needs of the first Americans or American Indians is expressly stated under provisions of clause 3, section 8, article 1 of the Constitution of the United States.

I want to share with my colleagues some questions, perhaps, that may have been raised concerning the proposed legislation.

''Question: Is this the first time the Lumbee Tribe has sought Federal recognition?

''Answer: No. This tribe first sought Federal recognition through a petition submitted to Congress in 1899 and in 1956. Congress formally recognized the Lumbee Tribe. However, it effectively terminated its relationship with the tribe at the same time by denying them access to the benefits and privileges that accompany Federal recognition. Since that time, the tribe has had substantial interaction with the Congress. The tribe has also petitioned the Bureau of Indian Affairs for recognition through its administrative process. The Bureau denied this petition, indicating that the tribe is not eligible for the process because of Congress' prior action.

''Question: Why is the tribe not going through the administrative process,'' as it was argued earlier by some of our colleagues?

''Answer: The administrative process is for those groups where it needs to be determined whether or not the group is an Indian tribe.''

I submit to my colleagues, we have not done a very good job in dealing with the first Americans, and I sincerely hope that this proposed legislation will rectify the situation that this tribe has been seeking for over 100 years.

I want to share this proposed bill, which will provide us with an opportunity to address this long-standing injustice that has been done to the Lumbee Indians. I support the Lumbee recognition bill because I believe it is consistent with our responsibility as Members of this great institution to give the members of the Lumbee Tribe their right to be recognized as truly an American Indian tribe.

Let's correct this inequity that has existed now for over 100 years and as a tribute to the six Lumbee Indian soldiers who died recently in the war in Iraq, for which they made the ultimate sacrifice and have given their lives in defense of our Nation. After 100 years, these people have been tortured enough.

I am reminded of the words echoed by a retired Marine general and former colleague from this body, the former gentleman from Guam, Congressman Ben Blaz, a good Republican and a very dear friend of mine. He said, also, this is a statement this gentleman made, his observation also of the unfair treatment of his people in some past history, and this is about sending all the tribes that we have here in America and I know are great warriors, because that's the inherent character of the first Americans. They are warriors.

This is what Congressman Ben Blaz says. ''We are equal in war, but not in peace.''

Give the Lumbee Indians what they deserve, recognition as they should get from this great institution.

Mr. YOUNG of Alaska. Mr. Speaker, I yield whatever time he may consume to Mr. HAYES from North Carolina.

Mr. HAYES. I want to thank the distinguished chairman of the committee and distinguished ranking member. I want to particularly commend my friend and colleague, MIKE MCINTYRE, for his tireless effort in outlining in great and accurate detail the essence of the issues being presented here today.

I want to thank my friend, ENI, again, for his effort and accurate description of the situation that we find ourselves in.

Mr. Speaker, I rise in strong support of H.R. 65, the Lumbee Recognition Act. Since I have been a Member of Congress, I have worked hard to see that the Lumbee Tribe receives full Federal recognition, and I am very pleased that the House is considering this bill on the floor today.

As you know, I am a proud original cosponsor of H.R. 65, which was sponsored by my friend and colleague, Congressman MIKE MCINTYRE. MIKE has been a strong and tireless advocate of the Lumbee Tribe for years, and it has been an honor and a pleasure, as always, to work with him on this and other issues as well.

I know Senator DOLE and Senator BURR are working hard to garner support for the Lumbee Recognition Act in the Senate, and I appreciate their leadership on the issue as well. The Lumbee Indian tribe has an extensive history in North Carolina, ranging back to 1724 on Drowning Creek, which is now referred to as the Lumber River. The Lumbee Tribe has been recognized by the State of North Carolina since 1885. The Lumbee Tribe has over 55,000 members and is the largest tribe in the State of North Carolina and the largest nonrecognized tribe in America.

□ 1615

The Eighth District, which I serve, is home to many of the Lumbees who reside in North Carolina, primarily in Hoke, Scotland and Cumberland Counties. These important members of my constituency should be federally recognized so they are able to receive various Bureau of Indian Affairs and other Federal Government services and programs they rightly deserve.

The heritage of the Lumbee tribe is as strong today as when first recognized by North Carolina. The tribe has every reason to be proud of the rich and valued cultural contribution they have given to our community. Today, the House is doing what the Federal Government should have done 51 years ago. We should pass this vital piece of legislation and give the Lumbee tribe the distinction of a federally recognized tribe. It's a very important step forward in the process, and I am hopeful that we will see the other body act favorably on this bill in the near future.

I urge all of my colleagues to vote in strong support of the Lumbee Recognition Act.

Mr. RAHALL. Mr. Speaker, I am happy to yield an additional 3 minutes to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Speaker, just in reference to some of the comments that have been made by those who are hindering the efforts to move forward with recognition of the tribe, let me answer those, because I think it's only in fairness that all of our colleagues who are listening to this debate understand this.

Number one, there is an accusation of bypassing the process. This is not bypassing the process. There have been 11 investigations done, ordered through the Department of Interior, Bureau of Indian Affairs. The tribe itself was ordered not to go any further with this process by the Solicitor General of the United States. The Solicitor General said to the Lumbees, because of the 1956 Lumbee Act, that specific act of Congress, you have got to specifically go back to Congress and get this situation corrected.

Secondly, there's been some comments about the name of the Lumbees. The name was chosen by the tribe prior to ever coming to Congress. The name was ratified by the State of North Carolina, after other names had been imposed upon the tribe. The tribe chose its own name, and when it came to Congress, it was the Lumbee, and that name was acknowledged by virtue of the very title, the Lumbee Act of 1956. So we're not hear today debating the name.

Third, in making any comment that the tribe is uncomfortable with going through the process and then there were comments about no reservation, no language. Well, those are not requirements, even under the BIA process. Those are not criteria. I mean, that's why the Lumbees have made such great contributions to our society. They have been fully integrated, as I outlined in my opening remarks. Medicine and law, banks and business, farms and factories, military, entertainment, athletic accomplishments, like the great Kelvin Samson, coach of the Indiana Hoosiers, who testified in a hearing about this.

And then, fourth, again, the accusation was made, as it was during the Rules debate, that this would open up problems with other tribes. Well, no, my friends, it won't. And please hear this clearly to all those who are listening.

This is dealing with a specific act, the Lumbee Act of 1956. That's why other tribes will not come in here and open the flood gates and demand that we do for them. The Lumbees are the only tribe in America in this situation created because of the 1956 act which the Solicitor General has told them to go back to Congress to correct.

There were two other tribes in this situation, the Tiwas of Texas and the Pascua Yaqui of Arizona. They were in the same situation. They came back to Congress; Congress rectified it.

So what does that mean? Quite simply, the only tribe in America in this situation are the Lumbee tribe. It is high time for us to let this discrimination and injustice end. They've waited 51 years. Today is our opportunity to correct the injustice and proceed with recognition.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I'd like to do a dialogue here.

I'm quite sure that our good friend, the senior ranking member from Alaska, as well as our chairman, previously, this House has passed recognition of the Lumbee people, the Indians, I think twice already in the time when even former Congressman Charlie Rose was a Member of this great institution. And if I recall, I would like to ask the gentleman, it did pass the House of Representatives. But what happened afterwards? Twice. And then it was referred to the Senate. Maybe my colleagues, our colleagues need to know, to

find out what happened when it went to the Senate. Twice we've passed this legislation and when it was referred to the Senate, what happened?

Mr. MCINTYRE. If the gentleman would yield.

Mr. FALEOMAVAEGA. Absolutely, I yield.

Mr. MCINTYRE. Twice it passed the House, H.R. 334 on October 28, 1993; prior to that, H.R. 1426 on September 26, 1991. No action was taken in the Senate at that time. Senator Jesse Helms decided to block any passage. Senator DOLE, to her credit, when she was elected, the first bill Senator DOLE dropped as a U.S. Senator was to recognize this tribe, because she realized this bill had been held up for those 32 years over in the Senate, even though the U.S. House had passed it twice.

So that is why this is a bipartisan, bicameral effort. Senator DOLE's bill tracks the same language that we have here in the House. This is an effort we all recognize to correct an injustice that should have never happened.

Mr. FALEOMAVAEGA. I thank the gentleman.

Mr. YOUNG of Alaska. Mr. Speaker, I'd like to compliment Mr. MCINTYRE. He was very concise in his presentation about why we should act on this legislation.

And ENI, I'm glad you brought up the fact that it has passed the House twice, died in the Senate. Congressman Rose came to me, and that's when I got interested in this legislation. And it's long overdue.

Now, I know there will be a motion to recommit which I will not offer and will not support. But I want to remind people that motion is a motion to actually have them go through, the Lumbee, the process. And I heard much about the process.

Now, I've been involved in this business now 34 years, and the process of recognition is at the will and the whim of a bureau that, in fact, supported, and the Solicitor General said, no, you have to go back to Congress, and, in fact, we will not recognize you. If you go through the process, just forget it.

We've already gone through the process, in reality. In fact, we had a hearing a while back, including the assistant secretary of the BIA, and I asked him, when was the last time the process worked? When was the last tribe recognized through the process? And he stuttered and stammered, and I think he had one in the last 10 years. That's the process?

And we've been waiting 51 years for this recognition, 51 years. The Congress did act, twice. The Congress set up the original act, and now we're being asked, through a motion to recommit, to use the process? And I'm saying, nonsense.

Let's do what is right today. Let's recognize this tribe as they should. Let's make sure that, in fact, they can go forth.

And those that oppose this, let's not kid yourself. It's not about policy. It's really about cutting the pie up. We have been told by a study, this is going to cost $400 million more. And then the other side says, no, it's to come out of the pot. This is not about the money because the money is in the formula. If we don't appropriate any more dollars, then it doesn't cost any more money. But if they're recognized, they do have a right to participate in those programs as they should, as a recognized tribe.

And so I'm suggesting that this is long overdue. Again, congratulations to the chairman and to the Congressman who represents that district. And I hope he remembers that, when I have an issue on Alaska, that Members that represent the districts ought to be listened to. And I do respect that representation.

Mr. BACA. Mr. Speaker, I will vote against H.R. 65, the Lumbee Recognition Act.

This was a very difficult decision. I have only had to vote on a few issues that have caused me so much difficulty. One being my vote against the war in Iraq. The same difficulty is here today.

Today's votes will decide the future for the Lumbee tribe.

However, H.R. 65 determines the future of many more individuals, such as the entire Native American Community and our Nation as a whole.

There is too much information arguing both for and against giving Federal recognition through the legislative process to this tribe.

As a Hispanic, I understand what it is like to have to fight for equality.

As an American, I treasure and understand the importance of sovereignty, of liberty, independence, autonomy and freedom.

I believe that the best method to decide whether to develop a new sovereign relationship is to have the Lumbee directly apply to the BIA. The Lumbee tribe should apply for recognition via the administrative process and I support allowing this to occur.

My vote today will follow that decision because of the many questions regarding their name, the criteria to be Lumbee, and their bloodline.

I want the Lumbee tribe to know that I respect the individuals whose strength, courage and determination have allowed them to fight for their people and to continue the struggle.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 65, a bill which extends Federal recognition to the Lumbee tribe of North Carolina. This bipartisan legislation, which has more than 215 cosponsors, including Natural Resources Committee Chairman RAHALL and Ranking Member YOUNG, corrects a 50-year injustice and gives long overdue Federal recognition to one of the oldest Indian tribes in the United States.

Mr. Speaker, the Lumbee tribe has made repeated requests to Congress for recognition since 1888, and the voluminous record compiled by Congress shows that Federal recognition has been unfairly delayed. H.R. 65 simply provides equal treatment to the Lumbee tribe by correcting a half-measure adopted by Congress in 1956 regarding the tribe. The 1956 half-measure acknowledged the Lumbees as Indians but cut off the tribe from the Federal statutes that apply to federally recognized tribes. This injustice was done at the height of Indian Federal termination policy.

Every other tribe subjected by Congress to such a half-measure has since been fully recognized by a special act of Congress. H.R. 65 would do the same thing for the Lumbee tribe. Thus, H.R. 65 is a long overdue act of justice that treats the Lumbee tribe just like every other tribe in its position.

There is no question that the Lumbee Indians constitute an Indian tribe. The State of North Carolina has consistently recognized the tribe since 1885 under a series of State statutes using different names to refer to the tribe. In 1952, the tribe held a referendum to decide upon its own name under State law and adopted the name Lumbee, drawn from the name of river where the tribe was found at the time of first White contact in the 1730s. North Carolina amended its law to recognize the tribe under the name Lumbee in 1953, and the same bill was introduced in Congress to obtain Federal recognition under the same name. Before the Federal bill was enacted, though, Congress amended the bill to include termination language. As a result, Congress recognized and terminated the tribe at the same time in 1956. Because of the 1956 half-measure, the Solicitor General has ruled that the Lumbee tribe is not eligible for the tribal recognition process administered by the Department of the Interior.

Mr. Speaker, in any case, there is no need to study the tribe's history; the Department of the Interior has already done so 11 times in response to numerous bills to recognize the tribe and has always concluded that the Lumbees are Indian, descended principally from the aboriginal Cheraw tribe. And the Department's own records show that the modern-day Lumbees are the same Indians first recognized by the State of North Carolina in 1885.

Congress itself put the Lumbee tribe in the Indian "No Man's Land" with the enactment of the 1956 half-measure. In the past, Congress has done this to two other tribes: the Tiwas of Texas and the Pascua Yaqui of Arizona. In both cases, Congress rectified the injustice by enacting special statutes extending full Federal recognition to the tribes. Congress should perform a similar act of simple justice for the Lumbee tribe by enacting H.R. 65.

The recognition of an Indian tribe by the United States has always ultimately been congressional responsibility. Even though the Department of the Interior established an administrative process for recognition of tribes in 1978, over the past 30 years Congress has recognized nine tribes by special legislation where there were special circumstances. Insofar as the Lumbee tribe is concerned, the 1956 half-measure represents a special circumstance. H.R. 65 is long-overdue legislative remedy for the injustice inflicted on the Lumbee tribe 50 years ago by Congress.

For these reasons, I support H.R. 65 and urge my colleagues to join me in voting for this remedial legislation.

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

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

The SPEAKER pro tempore (Mr. SNYDER). All time for debate has expired.

Pursuant to House Resolution 465, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCHENRY

Mr. MCHENRY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCHENRY. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McHenry moves to recommit the bill H.R. 65 to the Committee on Natural Resources with instructions to report the same back to the House promptly with the following amendment:

At the end of the bill, add the following:

SEC. 4. NO BAR TO ADMINISTRATIVE RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254), shall not be construed to constitute a bar to the consideration by the Assistant Secretary of the Interior for Indian Affairs of a petition of any group of Indians described in sections 2(a) and 2(b) of the Act of June 17, 1956 (70 Stat. 254), as amended by this Act, for recognition as an Indian Tribe.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date that the Assistant Secretary of the Interior for Indian Affairs approves the petition for Federal recognition as an Indian tribe by the Secretary of the Interior pursuant to part 83 of title 25, Code of Federal Regulations, submitted by the Lumbee Regional Development Association on December 17, 1987, and subsequently supplemented.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina is recognized for 5 minutes in support of his motion.

Mr. MCHENRY. Mr. Speaker, this is a very fair and simple motion to recommit. This takes the emotion of politics out of the Federal recognition process and allows the experts at the Office of Federal Acknowledgment to do their jobs.

This amendment, Mr. Speaker, is something very familiar to the chairman as well as all of the members of the Interior Committee. They've seen it before. It's very familiar to the members of the Rules Committee as well because they've seen it as well. It's the very same form and shape that my colleague, Mr. SHULER, has filed, along with myself as a cosponsor, with me as a cosponsor I should say, and a number of our colleagues from North Carolina. It's a bipartisan bill as originally constructed.

And what this motion to recommit does is allow us to have a vote on this issue here on the House floor. It's the very same text as the amendment, I said that Mr. SHULER offered, as well as Mr. JONES and Mr. SHAYS, that we offered through the Rules Committee, and it was not allowed by the majority party through the Rules Committee process. In fact, there was a partisan vote on that issue, eight Democrats voting ''no,'' two Republicans voting ''yes,'' even though it was a bipartisan amendment to the bill.

In simple terms, this motion will put the Lumbees in the front of the Federal recognition process, in the front of that line, and it removes the bar on the Lumbees and other groups described in the 1956 Lumbee Act from petitioning for recognition through the administrative process.

It extends recognition to the Lumbees under the terms and restrictions of H.R. 65, this bill, only when the Secretary makes a final positive determination on the Lumbee petition. It's a very fair and balanced way to allow the Lumbees to be recognized as a tribe.

The Lumbees oppose the motion because it does not allow them to circumvent the process. But it is fair to the other 561 federally recognized tribes, including the Eastern Band of Cherokee in western North Carolina; all of whom went through the proper rigors of the recognition process.

Now, what is important about this is that we have a vote on it. My colleague from North Carolina, Mr. TAYLOR, originally wrote this bill that my colleague, Mr. SHULER, has refiled again in this Congress.

This bill is bipartisan, as I said. And this motion to recommit is the very same language of that bipartisan bill.

Now, what was wonderful is that, over the last 10 years, Congressman TAYLOR, my friend and former colleague here in this body, was able to prevent this Lumbee recognition bill from being put forth and, in essence, made sure that the Lumbees went through the Federal process.

It's unfortunate this bill has come to the floor today. It's even more unfortunate that this motion to recommit was not allowed as an amendment to this bill. And so what this bill does is allow it to go back to committee so that the committee can actually go through the normal process of marking up this bill and to hear from outside groups as well but ensures that we go through the normal process that my colleagues from North Carolina, many of my colleagues from North Carolina, on a bipartisan basis, seek.

And I think, Mr. Speaker, I think it's important that my colleagues vote for this motion to recommit because it is fair. It will be a bipartisan vote, I believe, and I'm very hopeful that it will be. And I think it's going to be the best thing for the Lumbees and the best thing for this process of Federal recognition of Native American tribes.

And I urge my colleagues to support this motion to recommit because it's the right thing to do. And it's the right thing to do on a bipartisan basis.

Mr. RAHALL. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, during general debate, I addressed the issue that is the subject of this motion, as did the ranking member, Mr. YOUNG; as did the gentleman from North Carolina (Mr. MCINTYRE). The administrative process is for those groups where it needs to be determined whether or not they are an Indian tribe. That is not the case here.

□ 1630

Congress passed the Lumbee Recognition Act in 1956, 51 years ago, but in recognizing the tribe, Congress also made them ineligible for Federal services that are normally accorded to recognized tribes. Indeed, the 1956 Act also barred the Lumbee Tribe from going through the Federal acknowledgment process. And let me note that this tribe first sought Federal recognition in 1899, 108 years ago. To now subject them to a process that may take 20 more years is simply an injustice.

I urge rejection of this motion.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman.

Mr. YOUNG of Alaska. Just a little history, Mr. Speaker. There are 561 total recognized tribes. We have recognized 16 of those through action of Congress, and 31 were recognized by the Department of the Interior.

And about the motion to recommit saying go back and follow the process, in the last 10 years, and the fact is longer than 10 years, I think 15 years or longer than that, 1978 was the last one, the so-called system worked and with a Bureau that, in fact, has suggested that they are not recognized. Well, what chance would the Lumbees ever have of being recognized? It wouldn't happen. So what this motion to recommit does is say, all right, we are just not recognizing them. It is really not a motion that says they have to follow the process.

And we do have the authority. The Congress has the ultimate authority. Like I said, we have already done 16 these, and it says right here that the Supreme Court ruled in the United States v. Sandoval that the Congress cannot arbitrarily recognize a group of Indians as a tribe, but its powers are very broad. All Congress has to do is determine that, one, the group has ancestors who lived in what is now the USA by the time of European discovery and, two, the group be a ''people distinct from others.'' And that is what the Lumbees are.

So this is a motion to really stop the recognition, let's not kid ourselves, because they will never be recognized through the process.

I thank the gentleman for yielding.

Mr. RAHALL. Mr. Speaker, the gentleman from Alaska is entirely correct, and I associate myself with his comments.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. MCHENRY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 152, nays 237, not voting 43, as follows:

[Roll No. 446]

YEAS—152

Akin
Altmire
Baca
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (NY)
Blunt
Boehner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Courtney
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeLauro
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Farr
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hastert
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kennedy
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lewis (CA)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
McNerney
Mica
Miller (FL)
Murphy (CT)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pitts
Price (GA)
Putnam
Radanovich
Ramstad
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuler
Shuster
Sires
Smith (NE)
Smith (TX)
Stearns
Tanner
Terry
Tiahrt
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NAYS—237

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blumenauer
Bonner
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Etheridge
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hayes
Heller
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lowey
Lynch
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Musgrave
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Poe
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—43

Baker
Berman
Blackburn
Calvert
Campbell (CA)
Cantor
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Doyle
Eshoo
Fossella
Gallegly
Gerlach
Gillmor
Hastings (FL)
Hastings (WA)
Holden
Hooley
Issa
Jefferson
Kagen
LaHood
Lofgren, Zoe
McMorris Rodgers
McNulty
Miller, Gary
Moran (KS)
Murphy, Patrick
Nadler
Ortiz
Pickering
Pomeroy
Porter
Rohrabacher
Shadegg
Smith (NJ)
Sullivan
Tancredo
Thompson (CA)
Tiberi
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1700

Messrs. ETHERIDGE, ROTHMAN, GRIJALVA, BISHOP of Utah, MCCRERY, HELLER of Nevada, LYNCH, MARSHALL, MCCOTTER, CARDOZA, POE and MCDERMOTT, Ms. MOORE of Wisconsin and Mrs. MUSGRAVE changed their vote from ''yea'' to ''nay.''

Messrs. MCCARTHY of California, TERRY, TIAHRT, SHUSTER, NEUGEBAUER and HASTERT changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 256, nays 128, not voting 48, as follows:

[Roll No. 447]

YEAS—256

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blumenauer
Bonner
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Etheridge
Farr
Fattah
Fortenberry
Frank (MA)
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hayes
Heller
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murtha
Musgrave
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Souder

Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—128

Akin
Baca
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (NY)
Blunt
Bono
Boozman
Boren
Boustany
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Carter
Castle
Cole (OK)
Conaway
Courtney
Crenshaw
Culberson
Davis, David
Davis, Tom
DeLauro
Dent
Dingell
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (NY)
Hastert
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hulshof
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kennedy
King (IA)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
Mica
Miller (FL)
Murphy (CT)
Murphy, Tim
Myrick
Neugebauer
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shays
Shuler
Sires
Smith (NE)
Stearns
Tanner
Terry
Tiahrt
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—48

Baker
Berman
Blackburn
Boehner
Calvert
Campbell (CA)
Cantor
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Doyle
Eshoo
Filner
Fossella
Gallegly
Gerlach
Gillmor
Hastings (FL)
Hastings (WA)
Holden
Hooley
Issa
Jefferson
Kagen
LaHood
Lofgren, Zoe
McMorris Rodgers
McNulty
Miller, Gary
Moore (WI)
Moran (KS)
Murphy, Patrick
Nadler
Napolitano
Ortiz
Pickering
Pomeroy
Porter
Pryce (OH)
Rohrabacher
Shadegg
Smith (NJ)
Sullivan
Tancredo
Thompson (CA)
Tiberi
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining to vote.

□ 1708

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. NAPOLITANO. Mr. Speaker, on rollcall No. 447, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GALLEGLY. Mr. Speaker, I was unable to make the following rollcall votes on June 7, 2007:

H.R. 65, The Lumbee Recognition Act. On the Motion to Recommit with Instructions, I would have voted "yea."

H.R. 65, The Lumbee Recognition Act. On passage, I would have voted "nay."

PERSONAL EXPLANATION

Mr. ISSA. Mr. Speaker, had I been present for votes on the evening of Thursday, June 07, 2007, I would have voted in favor of the Republican Motion to Recommit H.R. 65, and against final passage of H.R. 65, the Lumbee Recognition Act.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I take this time for the purpose of inquiring about next week's schedule.

I yield to the gentleman from Maryland for an update on next week's schedule.

Mr. HOYER. Mr. Speaker, I appreciate the gentleman yielding and appreciate his question.

On Monday, the House will meet at 12:30 p.m. for morning hour business and 2 p.m. for legislative business. We will consider several bills under suspension of the rules.

On Tuesday, the House will meet at 9 a.m. for morning hour business and 10 a.m. for legislative business. We will consider additional bills under suspension of the rules. A complete list of those bills will be announced by the close of business tomorrow.

On Wednesday and Thursday, the House will meet at 10 a.m., and on Friday, the House will meet at 9 a.m.

We will consider the following fiscal year 2008 appropriation bills: Homeland Security, Military Construction-Veterans' Affairs, Energy and Water Development, and Interior and Environment.

Members should be advised that the official photo of the 110th Congress will be taken on Tuesday.

In concluding my comments, the appropriation bills that I read, Homeland Security, Military Construction-Veterans' Affairs, Energy and Water Development, and Interior and Environment, will be completed next week.

Let me reiterate that. They will be completed next week. I am hopeful we can complete them by the close of business on Friday, but they will be completed next week.

Mr. BLUNT. Mr. Speaker, I thank my friend for the time and his response. Just in response to that, I do know that the Appropriations chairman today said that Members would expect to be here on Saturday if those four bills are not done prior to Saturday. Is that the leader's view as well?

Mr. HOYER. What the chairman and I have discussed is that we are going to complete these four bills next week. As the gentleman knows, as a result of the supplemental taking up a substantial amount of time of the committee and of the committee's chairman and the committee staff, we are behind in our schedule. It is our intention, as the gentleman knows from my previous statements privately and publicly to him and in the colloquy, that we will complete 11 of the 12 appropriation bills prior to June 29 when we are scheduled to take the July 4 work period break. The Defense bill has been decided to be done mid-July. Other than that, these bills will be done.

In order to accomplish that objective, our schedule will be directed not so much at time as work. And we will complete the work. So I say to my friend, Saturday is a possibility. The chairman has said Saturday is a possibility. I am hopeful that will not be necessary. I am hopeful that the subcommittee chairs and the ranking members will be able to work together, as was done last year in terms of schedule and time, so that we can complete our work by Friday at a relatively early hour. I am hopeful we can do that.

Mr. BLUNT. Is it the gentleman's view, I guess I am repeating what you are saying, I want to be sure I have this right, that you still intend to have 11 bills done by 3 weeks from tomorrow?

Mr. HOYER. Yes, sir.

Mr. BLUNT. June 29. And however many days it takes to get that done, that is your intention?

Mr. HOYER. That obviously is an average of a little less than four bills per week the 3 weeks that are available to us. We have four bills scheduled next week. We will not have the Defense bill scheduled. Labor and Health may be the biggest bill thereafter that we will consider prior to June 30.

Mr. BLUNT. I thank my friend for that. The calendar is one thing. I hope that the calendar doesn't suggest that we are rushing through these bills in any way. Of course, for the time I have been in the House, and I believe the time my good friend from Maryland has been in the House, the appropriations bills have come to the floor under an open rule. The general exception for that has been, again, under both sides of the leadership, the Legislative Branch bill, which, for its own reasons, often has a structured rule.

Does the gentleman anticipate that we will still have the open rules that have been the tradition of the House on these bills?

Mr. HOYER. I do anticipate that, and I would look forward to having discussions with the gentleman at the end of next week, Thursday or Friday. Hopefully that is feasible. We hope it will be feasible.

As you know, last year, as I reiterated, there were time agreements between the chairman and the ranking member that allowed us to effect reasonably efficient consideration under the open rules that were then in place.