

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE), as modified.

The amendment, as modified, was agreed to.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DOYLE) having assumed the chair, Ms. BALDWIN, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1385) to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe, pursuant to House Resolution 490, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore (Ms. BALDWIN). Without objection, the title of H.R. 1385 is amended to read as follows:

To extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

□ 1415

#### 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 include extraneous material on H.R. 31.

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

There was no objection.

#### H.R. 31, LUMBEE RECOGNITION ACT

Mr. RAHALL. Madam Speaker, pursuant to House Resolution 490, I call up

the bill (H.R. 31) 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 SPEAKER pro tempore. Pursuant to House Resolution 490, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

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

#### H.R. 31

*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 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 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) The Secretary may take land into trust for the Lumbee Tribe pursuant to this Act. An application to take land located within Robeson County, North Carolina, into trust under this section shall be treated by the Secretary as an 'on reservation' trust acquisition under part 151 of title 25, Code of Federal Regulation (or a successor regulation).*

*"(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 subsection (a) 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 section 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 Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. To my colleagues on both sides of the aisle, let me begin by saying that this measure, which would extend Federal recognition to the Lumbee Tribe of North Carolina, is more than a century overdue. When 240 of us voted for Federal recognition during the 102nd Congress, that should have resolved the question of Lumbee status. When we voted again in favor of similar legislation in the 103rd Congress, that certainly should have meant that the United States had finally taken a stand and done the right

thing by acknowledging a trust relationship with the Lumbee Tribe, but it was not to be. Last Congress, the Lumbee Tribe Recognition Act passed the House of Representatives with 256 votes but, unfortunately, this legislation stalled in the Senate.

So here we are again today, over 115 years after the Lumbee first sought Federal recognition, still attempting to clarify their status.

The history and struggle of the Lumbee Tribe to obtain Federal acknowledgment has been well documented. When Congress passed the Lumbee Act of 1956, it simultaneously recognized and terminated the Lumbee Tribe by acknowledging their status as an Indian tribe by denying them Federal service. That act was passed during the era of Federal Indian policy known as the Termination Era. If you examine the results of the Termination Acts of the 1950s, you would see how detrimental that misguided policy was to the terminated tribes. Through it all, the Lumbee Tribe has managed to maintain their sense of community and provide some services to their citizens.

This is a testament to the fact that the Lumbees have a functioning government worthy of Federal acknowledgment. Yet the Lumbee people still do not have the government-to-government relationship they deserve. At no time has the Department of the Interior ever opposed Federal recognition for this tribe based on the belief that the Lumbees are not entitled to such status. Indeed, the Department has repeatedly concluded that the Lumbee Tribe descends from similar speaking tribes.

Several studies undertaken by the Department have consistently concluded that the Lumbees are a distinct, self-governing Indian community which has been historically located on the Lumbee River in North Carolina.

During President Obama's campaign, he pledged his full support for recognition of the Lumbee people. At the Natural Resources hearing this year, the administration testified in support of H.R. 31 stating: "There are rare circumstances when Congress should intervene and recognize a tribal group. And the case of Lumbee Indians is one such case."

During this debate, we may hear a number of canards against Lumbee recognition but not one will be a legitimate reason to deny recognition. One such relates to the different names given the Lumbee Tribe. Although the State of North Carolina has recognized the tribe for over 100 years, it has done so under various names. Other than the Lumbee Tribe, North Carolina is responsible for the various names that it imposed upon the tribe. It was not until the tribe pressured the State that the tribe was authorized to conduct a referendum to choose their 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 concern about the cost of this bill, and I want to note that the cost of this bill is for discretionary programs only. There is no mandatory spending. Any actual costs to this bill are subject to appropriations.

To address claims that the tribe was only interested in Federal recognition so that 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.

Finally, some may argue that the Lumbees should not be allowed to bypass administrative process established by the Bureau of Indian Affairs and should be allowed to go through the administrative process. I can assure you extending Federal recognition to a tribe at this time is not something new, nor does it bypass administrative process. If a tribe has been terminated by the Federal Government, they are ineligible for the administrative process.

Because we, the Congress, terminated the Lumbees in 1956, it is solely our responsibility to restore their status.

In closing, I would like to commend the gentleman from North Carolina, Mr. MIKE MCINTYRE, for his dedication to this issue. Over the years, he has acted in a professional and respectful manner in his tireless efforts, his superb leadership. This bill has garnered 185 cosponsors. Mr. MCINTYRE's dedication to the Lumbee people is most admirable, and I'm sure they recognize and salute him for that dedication.

I would also like to commend the Lumbee Tribe for being extremely patient with Congress as we have failed to clarify their status for far too long.

In the face of adversity, their determination and sheer stamina has served as testament to their belief in who they are as a people. They have endured rejection by Congress, hostility by the Bureau of Indian Affairs, and have even been snubbed in their quest by neighboring Indian tribes unwilling to have the Lumbee recognized the Congress as they were.

All the Lumbee want is the respect of being acknowledged for who they are—an American Indian tribe.

Let us join this effort to grant the Lumbee the recognition they have so long deserved. It is up to us to do the right thing by extending Federal recognition to the Lumbee Tribe, and I urge all of my colleagues to support H.R. 31.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I rise in opposition to H.R. 31, and I do so because I believe this bill sets a bad precedent. It extends Federal recognition to what I understand would become the third largest tribe in the country. Though the

size of the Lumbee Tribe does not disqualify it from consideration for recognition, it does demand, nonetheless, that Congress exercise great caution. And I will point that out later on in my remarks.

Madam Speaker, a fundamental principle of Indian law is that a recognized tribe should be a tribe that can trace continuous existence from the earliest days of our Republic to the present. In fact, this is enshrined in one of the seven mandatory criteria that the Bureau of Indian Affairs, or BIA, uses to evaluate petitions from groups seeking recognition. The BIA process might have its problems, but at least it has a clear set of standards that a petitioner must meet.

We in Congress do not seem to have a clear standard for determining that the Lumbee Tribe warrants recognition. Legislative proposals to recognize the Lumbee has surfaced numerous times over the last century, yet none were enacted. No new information has come to light to justify passing that legislation today. Moreover, the committee applied no visible standard for determining why the Lumbees warrant recognition while other groups do not. Unless the House develops a clear, rational, fixed policy on recognition, then our act of recognizing a tribe would deem to be arbitrary. This could undermine the standing of recognized tribes everywhere.

The lack of transparent standards in H.R. 31 leads to a major issue: the tribe size and the cost of providing services to it. Two years ago when we considered the same legislation, the Congressional Budget Office, or CBO, estimated that recognizing the Lumbees would cost taxpayers \$480 million over 5 years based on an enrollment of about 40,000 members. Today, CBO advises that the bill is going to cost \$786 million over 5 years based on a tribal enrollment of 54,000.

\$786 million, Madam Speaker, is an enormous sum and it could force the BIA and the Indian Health Service to alter formulas for the provisions of service to all other tribes, possibly reducing their allocation.

A recent news article in the North Carolina paper indicates the tribal rolls are closed because of the concerns over the size of the tribe. The implication is that the tribal rolls will be reopened again after Congress passes this bill. As I said earlier, the size of the tribe is not an issue here. What is at issue is the kind of enrollment standards the tribe applies because taxpayers and other tribes want to know what the cost implications will be down the road.

Let me restate a few points that I made when the Committee on Natural Resources marked up this measure, because the objections and the concerns that I raised then have not been resolved today.

First, the Obama administration testified in support of H.R. 31, reversing the stance of the previous administration. In the committee hearing on the

bill, the Department's witness did not explain how the administration came to the conclusion that the Lumbees warrant Federal recognition. When I asked the witness who was at the Department who made the decision, his reply was, The political leadership.

The Secretary of the Interior, Ken Salazar, is the top political leader there. I would note since the day he took office, Secretary Salazar has repeatedly stressed that his decisions will be based on the law and sound science. For example, an Interior news release quotes him as saying: "My first priority at Interior is to lead the Department with openness in decision making, high ethical standards, and respect to scientific integrity." Again, this is from a news release that was sent out by the Department.

We are debating a bill about tribal recognition and the Department of the Interior is supposed to base its recognition decisions based on the research of the professional historians, anthropologists, and genealogists employed in the Bureau of Indian Affairs.

So in this new leadership at Interior, how did this new leadership at Interior and the administration arrive at support of H.R. 31? Was it because of the professional opinion of those career social scientists? Was there openness in this decisionmaking? I think the answer is no. The Department has not provided the committee with any data supporting its conclusion that the Lumbee met the same basic criteria as other tribes the Secretary has recognized.

While there are a number of other concerns with H.R. 31, let me highlight one more which is extremely important. While the Constitution grants Congress plenary authority to recognize a tribe, the Congress must respect some reasonable limits on the exercise of this authority. To do otherwise undermines the whole notion of tribal recognition and thereby dishonors all validly recognized tribes. With this in mind, the House today should, at a minimum, ensure that a tribe being formally recognized descends from a known historic tribe.

□ 1430

H.R. 31 fails this test. The legislation limits the Secretary to "confirming compliance with the membership criteria set out in the Tribe's constitution."

The tribe has testified that its members are descendants of coastal North Carolina tribes. At a minimum, the Secretary should verify that every member of the tribe descends from such historic tribes. Such verification has not been done, and it is not required under H.R. 31. It could have been done if the amendment filed by the gentleman from North Carolina (Mr. SHULER) were made in order by the Rules Committee, but the Rules Committee chose not to make his amendment in order.

His amendment would have required the Secretary to evaluate the Lumbee

recognition petition using the Bureau of Indian Affairs' seven mandatory criteria. One of the criteria requires a petitioner to show that its membership consists of individuals who descend from a historic Indian tribe.

H.R. 31, again, Madam Speaker, does not impose a reasonable standard that justifies the recognition of the Lumbee Tribe.

So with that, Madam Speaker, I reserve the balance of my time.

Mr. RAHALL. Madam Speaker, I'm most delighted to yield 10 minutes to the distinguished gentleman from North Carolina (Mr. MCINTYRE), lead sponsor of this legislation, and, again, commend him for his tremendous leadership.

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

Mr. MCINTYRE. Madam Speaker, the members of the Lumbee Tribe, many of whom are here from the tribal council today, and I appreciate Chairman RAHALL's strong support of the Lumbee Tribe in the past and your willingness to cosponsor this bill for Federal recognition to bring long overdue justice to the recognition of this tribe.

Madam Speaker, I place into the RECORD four letters from all of North Carolina's Governors, both Democratic and Republican, from the last 32 years in recognition and desire that this tribe be federally recognized.

STATE OF NORTH CAROLINA,  
OFFICE OF THE GOVERNOR,  
Raleigh, NC, May 1, 2009.

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

Hon. DOC HASTINGS,  
Ranking Member, Natural Resources Committee, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN RAHALL AND CONGRESSMAN HASTINGS: 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 am writing to express my support for the century-long effort of the Lumbee Tribe of North Carolina to attain a favorable decision on federal recognition. Both Republican and Democratic administrations have supported Lumbee efforts, and the State of North Carolina has recognized the Lumbees as a Tribe. The Lumbee people have waited too long on a decision on federal recognition, and the US Congress should give them this opportunity.

As you know, the Lumbee Tribe has sought federal recognition since 1888, after being recognized by the State of North Carolina as the "Croatan" Tribe in 1885. In 1956, the Congress acknowledged that Lumbees were Indians, but at the request of the Department of the Interior, included language in this legislation that precluded access to federal funds. This left the Lumbees without a federal relationship as an Indian tribe. This provision also halted the efforts of the Lumbees to gain federal acknowledgement through the federal acknowledgement process at the Department of the Interior. I understand that Congress has enacted special legislation to address special circumstances such as these.

I thank the House and the Natural Resources Committee for holding this hearing and for allowing me to offer written com-

ments about the Lumbee Tribe recognition bill.

Thank you for your consideration.

Sincerely,

BEVERLY PERDUE,  
Governor.

STATE OF NORTH CAROLINA,  
Raleigh, NC, April 18, 2007.

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

Hon. DON YOUNG,  
Ranking Member, Natural Resources Committee, House of Representatives, Longworth House Office Building, 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 the 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, March 11, 1993.

Hon. BRUCE BABBITT,  
*Secretary, U.S. 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,  
Raleigh, 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 for 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 with this matter.

My warmest personal regards.  
Sincerely,

JAMES B. HUNT, Jr.,  
*Governor.*

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

Hon. DANIEL K. INOUE,  
*Chairman, Senate Select Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR INOUE: 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,  
*Governor.*

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 have the high honor of representing about 40,000 of the 55,000 Lumbees who live 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, not only in Robeson County, but throughout southeastern North Carolina, our entire State, as evidenced by these letters from our Governors, and their contributions, indeed, to our Nation.

From medicine and law, to business and banking, from the farms and factories, to the schools and the churches—we had a Lumbee Indian come and open the National Day of Prayer right here as our guest chaplain the first Thursday in May—from government, military, our veterans, community service, to entertainment and athletic accomplishments, the Lumbees have made tremendous contributions to our country, our State and, indeed, our 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, school board members, and the person who represents me and my family in the State legislature are all Lumbee Indians. Also, judges on both the District Court and Superior Court bench are Lumbee Indians.

In other words, the Lumbee Indians have achieved great accomplishments. Their contributions have been recognized from the city councils and county commissioners, to the chamber of commerce, to our regional medical center, and the list goes on. They all have endorsed recognition of this tribe.

But let me say this in a broader sense. I personally visited with over 300 of my colleagues, many of you listening back in your offices right now, and your legislative directors and chiefs of staff, and we've talked about this. In one aspect or another, the United States Congress has been dealing with this issue since 1888. During that time, Congress has directed the Department of the Interior to examine the tribe's history.

Eleven times, 11 times this tribe has been examined by the Department of the Interior. This is not about going around the process. It's not about skipping over the BIA. It's not about setting a precedent that some other tribe is going to say, oh, we will just skip the process. This tribe has gone through it. They have been examined. Over and over and over and over and over and over and over, and we can go on and say that 11 times.

So why are we still debating this? Well, in 1956, in fact the year I was born—it's been that long now—53 years later, 1956, this Congress recognized the Lumbees in Maine in name only but did not complete the recognition process. You know, there were two other tribes in America that had this dilemma: the Tiwas of Texas and also our friends from Arizona, the Yaqui Pascua. These two tribes, Congress went back and completed the recognition, 1987 and also back in 1978.

So, now, there's one tribe in America left in this situation, one tribe. This is not setting a precedent for other tribes. In fact, the solicitor from the Department of the Interior said the only way to resolve this issue is to go back to Congress. Yeah, you've been through the BIA 11 times. BIA can't do it. Go back to Congress because what Congress started Congress should finish, and that's why we're back here today.

We had it in the 103rd and 104th and just, yes, in our last session of Congress, the 110th, we passed this legislation. In fact, we had a two-thirds majority, Republicans and Democrats, liberals, conservatives and moderates, because this isn't about philosophy or partisan politics. This is about doing the right thing.

And to think I go home on weekends, and every weekend, the folks from the

Lumbee Tribe wonder why doesn't our government still recognize we exist? We have tribal members here today. Do we not recognize as a Nation that 55,000 people, who have died for this country as veterans and served our country in the military and law enforcement and the hospitals and banks and farms and factories, and all the other places I mentioned earlier, are people that deserve the dignity of recognition?

This is not about gaming. Please hear me friends and colleagues listening in the offices. They have agreed to prohibit gaming in the enacting legislation. So that this is not about going around the process, and it's not about gaming, and it's not about a reservation of land. Why? Because they are fully integrated in society, as I have already mentioned. They are our judges. They're our law enforcement. They're our doctors and our bankers back home in North Carolina.

What is it about then? It's about getting the politics out of the way that have delayed this bill the last 53 years, and let's get on with it and complete the recognition that the solicitor has said only we can complete.

It is a unique situation. They are the only tribe in America in this situation. It is not an antecedent for any other argument about any other tribe.

Today, our North Carolina Senators on a bipartisan basis support this bill. Today, 185 of my colleagues have cosponsored, on a bipartisan basis, this bill. Today, the White House recognizes that this is an injustice that, yes, must finally be resolved.

The political leadership has stopped it since 1956. Political leadership ought to help correct it, and thank God that they're willing to do that now.

And today, we can take that step toward rectifying this wrong of 53 years ago. When we passed it those other times that I mentioned, three other times, it got to the Senate only to face inaction. Last year, they ran out of time before the general election. We don't want that to happen. That's why we're getting this done today so that they will have the rest of this year and all of next year hopefully to finally give this tribe its long overdue recognition. What Congress started Congress should finish.

Madam Speaker, in conclusion, let me urge this House not to delay anymore. Justice delayed is justice denied. The evidence is clear, cogent, convincing. The examinations have occurred. We have heard the advisory opinion from the solicitor. We know that only Congress can resolve this. It is time to say "yes." "Yes" to dignity and respect. "Yes" to fundamental fairness. "Yes" to decency. "Yes" to honor. "Yes" to Federal recognition.

Let's do what is right. People in America are tired of bickering in Washington. They are tired of people pointing fingers and dreaming up excuses not to get things done. You know, let's send a message today that we're willing to do the right thing to

correct inequities that have occurred in our history. We have conservatives and liberal and moderates and Republicans and Democrats on this bill. So it is not a philosophical or political argument anymore. It's only about doing the right thing.

I challenge all of my colleagues in our United States Congress to do the right thing. It's time for discrimination to end and recognition to begin.

Mr. HASTINGS of Washington. Madam Speaker, I'm pleased to yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Madam Speaker, I thank my colleague and ranking member for yielding.

I thank my colleague from North Carolina as well for his honest efforts on behalf of his constituents. I respectfully disagree with the conclusions the gentleman's made, but I certainly respect him and his abilities in representing his constituents and the hard work he's offered on this legislation.

But I rise today in opposition of H.R. 31, the Lumbee Recognition Act. I believe all groups seeking Federal recognition as an Indian tribe should go through the administrative process at the Department of the Interior. It's clear that this process does need reforming, but Congress should do the hard work of reforming that process.

In this case, the Department of Indian Affairs has stated that the 1956 Lumbee Act prevents the Lumbee from going through the proper course of action to attain this status. I believe Congress should act to lift that restriction, and that is why I joined with my other North Carolina Democratic colleague, Congressman Heath Shuler, in submitting an amendment to the Rules Committee to remove the barriers set forth in the 1956 Lumbee Act and provide the Lumbee with the same opportunity to attain Federal recognition as other tribes have. I think that's the proper path. Unfortunately, the Rules Committee disallowed us that opportunity to vote on that legislation here on the House floor, and I think that's unfortunate.

To the extent that the process needs to be reformed, we should let Congress or the agency focus on those specific areas, instead of passing individual recognition bills.

I cannot support the underlying legislation, which would allow the Lumbee to circumvent this proper recognition process and their hard work in diligently working toward recognition through the Office of Federal Acknowledgment. This would be unfair to those tribes who have gone through the proper requirements to attain their official status.

Also, it's unfair to existing federally recognized tribes who do not want to see their cultural identity undermined by legislation such as this.

I urge my colleagues to vote against this bill and allow the Office of Federal Acknowledgment to carry out its appropriate responsibilities. That's why

we instituted, as a Congress, the Office of Federal Acknowledgment, and we should make sure it does its proper work.

Mr. RAHALL. Madam Speaker, I yield 5 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 today in strong support of H.R. 31, the proposed bill to provide for the recognition of the Lumbee Tribe of North Carolina.

First, I want to commend the gentleman and my dear friend, the gentleman from North Carolina (Mr. MCINTYRE) for his leadership and tremendous work that he has done to move this bill through committee that is now before us.

I also want to commend Chairman RAHALL and our ranking member, Mr. HASTINGS, and my colleagues on the Natural Resources Committee for their agreement to bringing this bill to the floor.

Madam Speaker, it has been more than 120 years since the Lumbees first attempted Federal recognition since 1888. More than a century has passed since they first started this labyrinth known as Federal recognition process. Since then, the Lumbee themselves have been subjected to such demeaning vetting process, including having the size of their teeth measured and their blood tested to see how much Indian they were.

Since 1888, the Lumbees have submitted all documentation they have to prove their existence. After more than 100 years' worth of documentation and witness testimony, the Lumbees have fully exhausted the Federal recognition process but to no avail.

Madam Speaker, it is also important to note that the policy of the United States has been terribly inconsistent with regard to the original inhabitants of this land, the first Americans. Our first policy was to do battle with them, kill them. The prevailing opinion at the time was epitomized by General Philip Sheridan in 1869 when he said: "The only good Indians I ever saw were dead."

Our next policy was that of assimilation. During this period, the United States tried to make Indians part of American mainstream. And then in the 1950s and the early 1960s, this country's policy was termination, termination meaning Indian tribes were no longer in existence.

□ 1445

Then there was the policy of reinstatement. Since 1978, the tribes now have to seek recognition from the Federal Government, and doing so by a series of administrative regulations that have caused tremendous hardship for the tribes seeking to be recognized by the Federal Government.

Throughout this entire period, the Lumbees were seeking recognition.

While Congress recognized the Lumbee Indians in the 1956 Act, the Lumbees were still deprived of critical services and benefits that were available to other Indian tribes. Since then, the Lumbees have felt like they were second-class citizens. And I agree.

Madam Speaker, it is public record that the Interior Department has found the Lumbee petition for recognition wanting. Apparently, the Lumbees didn't keep sufficient written records of their existence for the period supposedly encompassing roughly from 1760 to 1850 to convince the Department of the Interior. I guess the Department thinks that any group of people who don't have a paper trail to prove their existence aren't worthy of Federal recognition.

While I know it's true that the Bureau of Indian Affairs exists only to create a paper trail, I cannot help but think the Lumbee case is a perfect example of a bureaucratic process run amok.

Madam Speaker, there comes a time when the process for process' sake loses its value. While it might be procedurally nice for the Bureau of Indian Affairs and the Department of the Interior to provide a timely review of each group that seeks recognition, sometimes justice requires otherwise. The cost of continuing the acknowledgment process in the case of the Lumbees, for me at least, is just simply too high. And I believe that this is one of the principal roles that Congress has to play.

The time has come for this institution to take action. By our own inaction, Congress will continue to defer to a Federal recognition process that, in the case of the Lumbees, has failed miserably, a Federal recognition process that is also in greater need of reform. And I have introduced legislation to have Congress change the process.

Today, we are considering H.R. 31, a bill to grant Lumbees Federal recognition. After reviewing this bill, there's nothing in here that threatens the economic stream of other federally recognized tribes. Indeed, H.R. 31 contains prohibition of gaming activities.

Madam Speaker, further inaction would lead to more time lost for the Lumbees. For over 100 years, the Lumbees are still seeking recognition. And just prior to the introduction of this bill, we have had to recognize six tribes from Virginia after they waited for 400 years. Does this suggest that the poor Lumbees are to wait for another 300 years, Madam Speaker? I say not.

The time has come to give the Lumbees Federal recognition. I urge my colleagues and Members of this House, do pass H.R. 31 and give the Lumbee Indians at last the recognition they so dearly deserve.

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

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

The SPEAKER pro tempore. All time for debate having expired, pursuant to

House Resolution 490, 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

Mr. HASTINGS of Washington. Madam Speaker, I have a motion to recommit at the desk.

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

Mr. HASTINGS of Washington. I am, in its current form, Madam Speaker.

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

The Clerk read as follows:

Mr. Hastings of Washington moves to recommit the bill H.R. 31 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Page 5, lines 17 and 18, strike "The Secretary" and all that follows through the period on line 22, and insert the following: "For purposes of the delivery of Federal services, the Secretary of the Interior shall verify that the persons on the Lumbee base rolls are descendants of Cheraw or other coastal North Carolina Indian tribes."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) is recognized for 5 minutes in support of his motion.

Mr. HASTINGS of Washington. Thank you very much, Madam Speaker.

Madam Speaker, the motion to recommit amends the bill to require the Secretary of the Interior to verify that members of the Lumbee Tribe are descendants of the Cheraw and coastal North Carolina tribes. I don't believe this is unreasonable, and I say that because the preamble contained in H.R. 31 states that, "the Lumbee Indians of Robeson and adjoining counties in North Carolina are descendants of coastal North Carolina Indian tribes, principally Cheraw."

At the same time, section 3 of the legislation limits the Secretary's role in verifying the Lumbee tribal rolls only to "confirming compliance with the membership criteria set out in the tribe's constitution."

Thus, Madam Speaker, nothing in H.R. 31 requires the Secretary or any third party to verify that individuals enrolled in the Lumbee Tribe are descendants of the historic Cheraw and coastal North Carolina Indians.

Under the Bureau of Indian Affairs regulations, as has been mentioned several times today, one of the seven mandatory requirements that must be met to be recognized by the Secretary as a tribe is that: "The petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity." These regulations list a wide variety of evidence that can be used to meet this requirement.

The Rules Committee, as I have mentioned and as Mr. McHENRY mentioned, would not make Mr. SHULER of North Carolina's amendment in order that would have required the Lumbees to meet all seven of the BIA criteria, including the one quoted above, to obtain Federal recognition.

This motion requires the Secretary to verify that members of the Lumbee Tribe meet the equivalent of just one of the seven criteria that are applied to the other petitioners seeking recognition through the BIA process.

I believe, Madam Speaker, this is reasonable because there have been some concerns about the tribe's enrollment.

Today, the tribe claims 54,000 members, and the CBO says the cost would be \$786 million over 5 years. This is an increase from just 2 years ago when they were told that there were 40,000 tribal members. Moreover, it appears the tribe is keeping its rolls closed until Congress passes this bill.

It is fair to have the Secretary verify the base rolls the tribe uses to establish membership. This verification requirement does not cancel the tribe's recognition; it merely provides a means of verifying the base rolls, something the BIA should do if the Lumbees had gone through the regulatory process.

Thus, a motion to recommit merely ensures the House has taken extra care to ensure the decision to extend recognition to the Lumbee is appropriate, because a wrong decision, a wrong decision, Madam Speaker, could have an adverse impact on all tribes.

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

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

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Wow. Madam Speaker, it certainly has been a torturous and long path for the Lumbee Indian Tribe. This is but yet another stake that is attempted to be driven in their heart.

It is long established policy in this country for Indian tribes to determine their own membership, their own roll. This motion to recommit would single out the Lumbee Tribe as the only tribe in America that would be subject to this new requirement. It's discriminatory. It's ugly. It deserves to be defeated.

I want to make something very clear before yielding to the gentleman from North Carolina. This is not something new that we're doing today, granting Federal recognition to an Indian tribe. There are 561 federally recognized Indian tribes according to the GAO. Of those, 530 were recognized by the Congress of the United States. That would be this body. That's 530 of 561. And none were recognized under the criteria that's being offered in this motion to recommit.

I yield the balance of my time in opposition to the gentleman from North Carolina (Mr. McINTYRE).

Mr. McINTYRE. Thank you, Mr. Chairman. Let's just put this straightforward. This is yet another subterfuge. It's another attempt to push the Lumbees back yet again through political action. It's another attempt to send them back to the bureaucracy. And the last thing our American citizens deserve and that our Lumbee American citizens deserve is to be put back through a simple saying of, Go back to the bureaucracy. Let's once again let Congress skip its duty.

Our United States Constitution itself says that the Congress—right there where it says, “to regulate commerce with foreign nations and among the several States and with the Indian tribes.” It is a congressional duty and responsibility.

Now, they've gone through this process, we already explained, 11 times. This is a 12th time being offered. That's what this is. And our Members should recognize this and also recognize that no other tribe that has received Federal recognition through an act of the United States Congress has had to go back through a verification process that is now proposed in this motion to recommit.

Let's treat the Lumbees fairly. This would put them in a situation that would single them out to further treat them unfairly when they now have already been singled out, and we have been told by the Solicitor that we must resolve this problem.

Mr. RAHALL. Madam Speaker, if I have time left, I yield to the gentleman from American Samoa.

The SPEAKER pro tempore. The gentleman from West Virginia controls 1½ minutes.

Mr. RAHALL. I yield 1½ minutes to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. I just want to note for the record, as much as I respect my dear friend, the gentleman from Washington, I remember distinctly we had a hearing on this very issue, and the gentleman who wrote the regulations, the seven criteria that were outlined in terms of what these poor tribes had to go through, admitted before this committee, our committee, even he would not have been able to seek recognition if this is the way the bureaucratic maze had to be conducted on how to recognize an Indian tribe.

So I say this to my good friend from the State of Washington, we are setting precedent here to the effect that we have already recognized all other tribes, the six that we just recognized 30 minutes ago. There was no requirement they had to go back to one of the separate criteria in order to be recognized.

This is the prerogative of the Congress. The Congress can pass this legislation to give recognition to this tribe. And I say this with all due respect to my good friend from Washington.

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

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

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and motions to suspend the rules on House Concurrent Resolution 109, and House Resolution 471.

The vote was taken by electronic device, and there were—yeas 197, nays 224, not voting 12, as follows:

[Roll No. 296]

YEAS—197

Adler (NJ)	Franks (AZ)	Myrick
Akin	Frelinghuysen	Neugebauer
Alexander	Galleghy	Nunes
Altmire	Garrett (NJ)	Nye
Arcuri	Gerlach	Olson
Austria	Gingrey (GA)	Paul
Bachmann	Gohmert	Paulsen
Bachus	Goodlatte	Pence
Baird	Granger	Perriello
Barrett (SC)	Graves	Petri
Bartlett	Guthrie	Pitts
Barton (TX)	Hall (NY)	Platts
Bilbray	Hall (TX)	Poe (TX)
Bilirakis	Harper	Posey
Blackburn	Hastings (WA)	Price (GA)
Blunt	Heller	Putnam
Boehner	Hensarling	Quigley
Bono Mack	Herger	Radanovich
Boozman	Hill	Rangel
Boren	Himes	Rehberg
Boustany	Hoekstra	Reichert
Boyd	Hunter	Roe (TN)
Brady (TX)	Inglis	Rogers (KY)
Bright	Jenkins	Rogers (MI)
Brown-Waite,	Johnson (IL)	Rohrabacher
Ginny	Jones	Rooney
Buchanan	Jordan (OH)	Roskam
Burgess	King (IA)	Royce
Burton (IN)	King (NY)	Ryan (WI)
Buyer	Kingston	Scalise
Calvert	Kirk	Schmidt
Camp	Kissell	Schock
Campbell	Kline (MN)	Sensenbrenner
Cantor	Lamborn	Sessions
Cao	Lance	Shadegg
Capito	Latham	Shea-Porter
Carney	LaTourette	Shimkus
Carter	Latta	Shuler
Cassidy	Lee (NY)	Shuster
Castle	Lewis (CA)	Simpson
Chaffetz	Linder	Sires
Chandler	LoBiondo	Smith (NE)
Childers	Lucas	Smith (NJ)
Coble	Luetkemeyer	Souder
Coffman (CO)	Lummis	Space
Conaway	Mack	Stearns
Courtney	Maffei	Stupak
Crenshaw	Manullo	Tanner
Culberson	Marchant	Taylor
Davis (AL)	Marshall	Teague
Davis (KY)	McCarthy (CA)	Terry
Davis (TN)	McCaul	Thompson (PA)
Deal (GA)	McClintock	Thornberry
DeLauro	McCotter	Tiahrt
Dent	McHenry	Tiberi
Donnelly (IN)	McHugh	Turner
Dreier	McKeon	Upton
Duncan	McMorris	Walden
Ehlers	Rodgers	Wamp
Ellsworth	Mica	Westmoreland
Emerson	Miller (FL)	Whitfield
Fallin	Miller, Gary	Wilson (SC)
Flake	Minnick	Wittman
Fleming	Moran (KS)	Wolf
Forbes	Murphy (CT)	Young (FL)
Fortenberry	Murphy (NY)	
Fox	Murphy, Tim	

NAYS—224

Abercrombie	Gutierrez	Murphy, Patrick
Ackerman	Halvorson	Murtha
Aderholt	Hare	Nadler (NY)
Andrews	Harman	Napolitano
Baca	Hastings (FL)	Neal (MA)
Baldwin	Heinrich	Oberstar
Barrow	Herseth Sandlin	Obey
Bean	Higgins	Olver
Berkley	Hinchey	Ortiz
Berman	Hinojosa	Pallone
Berry	Hirono	Pascarell
Biggert	Hodes	Pastor (AZ)
Bishop (GA)	Holden	Payne
Bishop (NY)	Holt	Perlmutter
Blumenauer	Honda	Peters
Bocchieri	Hoyer	Peterson
Bonner	Insee	Pingree (ME)
Boswell	Israel	Polis (CO)
Boucher	Issa	Pomeroy
Brady (PA)	Jackson (IL)	Price (NC)
Braley (IA)	Jackson-Lee	Rahall
Brown (SC)	(TX)	Reyes
Brown, Corrine	Johnson (GA)	Richardson
Butterfield	Johnson, E. B.	Rodriguez
Capps	Kagen	Ross
Capuano	Kanjorski	Rothman (NJ)
Cardoza	Kaptur	Roybal-Allard
Carnahan	Kennedy	Rush
Carson (IN)	Kildee	Ryan (OH)
Castor (FL)	Kilpatrick (MI)	Salazar
Clarke	Kilroy	Sarbanes
Clay	Kind	Schakowsky
Cleaver	Kirkpatrick (AZ)	Schauer
Clyburn	Klein (FL)	Schiff
Cohen	Kosmas	Schrader
Cole	Kratovil	Schwartz
Connolly (VA)	Kucinich	Scott (GA)
Conyers	Langevin	Scott (VA)
Cooper	Larsen (WA)	Serrano
Costa	Larson (CT)	Sestak
Costello	Lee (CA)	Sherman
Crowley	Levin	Skelton
Cuellar	Lewis (GA)	Slaughter
Cummings	Lipinski	Smith (TX)
Dahlkemper	Loeback	Smith (WA)
Davis (CA)	Lofgren, Zoe	Snyder
DeFazio	Lowey	Speier
DeGette	Lujan	Spratt
Delahunt	Lungren, Daniel	Stark
E.	E.	Sutton
Diaz-Balart, L.	Lynch	Tauscher
Diaz-Balart, M.	Maloney	Thompson (CA)
Dicks	Markey (CO)	Thompson (MS)
Dingell	Markey (MA)	Tierney
Doggett	Massa	Titus
Doyle	Matheson	Tonko
Driehaus	Matsui	Towns
Edwards (MD)	McCarthy (NY)	Tsongas
Edwards (TX)	McCollum	Van Hollen
Ellison	McDermott	Velázquez
Engel	McGovern	Visclosky
Eshoo	McIntyre	Walz
Etheridge	McMahon	Wasserman
Farr	McNerney	Schultz
Fattah	Meek (FL)	Waters
Filner	Meeks (NY)	Watson
Foster	Melancon	Watt
Frank (MA)	Michaud	Waxman
Fudge	Miller (MI)	Weiner
Giffords	Miller (NC)	Welch
Gonzalez	Miller, George	Wexler
Gordon (TN)	Mitchell	Woolsey
Grayson	Mollohan	Wu
Green, Al	Moore (KS)	Yarmuth
Green, Gene	Moore (WI)	Young (AK)
Griffith	Moran (VA)	
Grijalva		

NOT VOTING—12

Becerra	Rogers (AL)	Sanchez, Loretta
Bishop (UT)	Ros-Lehtinen	Sullivan
Broun (GA)	Ruppersberger	Wilson (OH)
Davis (IL)	Sánchez, Linda	
Johnson, Sam	T.	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1532

Messrs. BLUMENAUER, HOYER, ISSA, COLE, HODES, PASTOR of Arizona, PERLMUTTER, BERRY, ELLISON, STARK, WU, GUTIERREZ, LARSON of Connecticut, SALAZAR, MARKEY of Massachusetts, Mrs.

MCCARTHY of New York, Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Mrs. MILLER of Michigan, Ms. FUDGE, Messrs. MELANCON, GRIF-FITH, SHERMAN, KIND, TOWNS, Ms. KOSMAS, Messrs. BOUCHER, CLEAV-ER, Mrs. BIGBERT, Messrs. COSTA, ISRAEL, JOHNSON of Georgia, Ms. TITUS, Mrs. DAHLKEMPER, Messrs. SMITH of Texas and GORDON of Ten-nessee changed their vote from “yea” to “nay.”

Mr. HERGER, Mrs. BACHMANN, Messrs. BOYD, FRANKS of Arizona, FORBES, ADLER of New Jersey, Ms. DELAURO, Ms. SHEA-PORTER and Mr. MARSHALL changed their vote from “nay” to “yea.”

So the motion to recommit was re-jected.

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. HASTINGS of Washington. Madam 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 de-vice, and there were—yeas 240, nays 179, not voting 14, as follows:

[Roll No. 297]

YEAS—240

Ackerman	Davis (KY)	Jackson-Lee
Aderholt	DeFazio	(TX)
Andrews	DeGette	Johnson (GA)
Baird	Diaz-Balart, L.	Johnson, E. B.
Baldwin	Diaz-Balart, M.	Kagen
Barrow	Dicks	Kanjorski
Bean	Dingell	Kaptur
Berkley	Doggett	Kennedy
Berman	Donnelly (IN)	Kildee
Berry	Doyle	Kilpatrick (MI)
Biggert	Driehaus	Kilroy
Bishop (GA)	Edwards (MD)	Kind
Bishop (NY)	Edwards (TX)	King (NY)
Blumenauer	Ellison	Kirkpatrick (AZ)
Bocchieri	Engel	Kissell
Bonner	Eshoo	Klein (FL)
Boswell	Etheridge	Kosmas
Boucher	Farr	Kratovil
Boyd	Fattah	Kucinich
Brady (PA)	Filner	Langevin
Brady (TX)	Foster	Larsen (WA)
Bralley (IA)	Frank (MA)	Larson (CT)
Brown (SC)	Fudge	LaTourette
Brown, Corrine	Giffords	Lee (CA)
Butterfield	Gohmert	Levin
Capito	Gonzalez	Lewis (GA)
Capps	Gordon (TN)	Linder
Capuano	Grayson	Lipinski
Cardoza	Green, Al	Loebsack
Carnahan	Green, Gene	Lofgren, Zoe
Carson (IN)	Grijalva	Lowe
Castor (FL)	Gutierrez	Lujan
Chandler	Hare	Lynch
Clarke	Harman	Maloney
Clay	Hastings (FL)	Markey (CO)
Cleaver	Heinrich	Markey (MA)
Clyburn	Heller	Marshall
Coble	Higgins	Massa
Cohen	Hinchee	Matheson
Connolly (VA)	Hinojosa	Matsui
Conyers	Hirono	McCarthy (CA)
Cooper	Hodes	McCarthy (NY)
Costa	Holden	McColum
Costello	Holt	McDermott
Crowley	Honda	McGovern
Cuellar	Hoyer	McHugh
Cummings	Inlee	McIntyre
Dahlkemper	Israel	McKeon
Davis (AL)	Israel	McMahon
Davis (CA)	Jackson (IL)	McNerney

Meek (FL)	Price (NC)
Meeks (NY)	Rahall
Melancon	Reyes
Michaud	Richardson
Miller (NC)	Rodriguez
Miller, George	Ross
Mitchell	Rothman (NJ)
Mollohan	Roybal-Allard
Moore (KS)	Rush
Moore (WI)	Ryan (OH)
Moran (VA)	Salazar
Murphy (NY)	Sarbanes
Murtha	Schakowsky
Nadler (NY)	Schiff
Napolitano	Schrader
Neal (MA)	Schwartz
Nunes	Scott (GA)
Oberstar	Scott (VA)
Obey	Serrano
Oliver	Sestak
Ortiz	Shea-Porter
Pallone	Sherman
Pascarell	Shimkus
Pastor (AZ)	Simpson
Payne	Skelton
Perlmutter	Slaughter
Peters	Smith (TX)
Peterson	Smith (WA)
Pingree (ME)	Snyder
Platts	Souder
Polis (CO)	Space

NAYS—179

Adler (NJ)	Franks (AZ)
Akin	Frelinghuysen
Alexander	Gallely
Altmire	Garrett (NJ)
Arcuri	Gerlach
Austria	Gingrey (GA)
Baca	Goodlatte
Bachmann	Granger
Bachus	Graves
Barrett (SC)	Griffith
Bartlett	Guthrie
Barton (TX)	Hall (NY)
Bilbray	Hall (TX)
Bilirakis	Halvorson
Blackburn	Harper
Blunt	Hastings (WA)
Boehner	Hensarling
Bono Mack	Herger
Boozman	Hersteth Sandlin
Boren	Hill
Boustany	Himes
Bright	Hoekstra
Brown-Waite,	Hunter
Kaptur	Inglis
Ginny	Issa
Buchanan	Jenkins
Burgess	Johnson (IL)
Burton (IN)	Jones
Kind	Jordan (OH)
Calvert	King (IA)
Camp	Kingston
Campbell	Kirk
Cantor	Kline (MN)
Cao	Lamborn
Carney	Lance
Carter	Latham
Cassidy	Latta
Castle	Lee (NY)
Chaffetz	Lewis (CA)
Childers	LoBiondo
Coffman (CO)	Lucas
Cole	Luetkemeyer
Conaway	Lummis
Courtney	Lungren, Daniel
Crenshaw	E.
Culberson	Mack
Davis (TN)	Maffei
Deal (GA)	Manzullo
Delahunt	Marchant
DeLauro	McCaul
Dent	McClintock
Dreier	McCotter
Duncan	McHenry
Ehlers	McMorris
Ellsworth	Rodgers
Emerson	Mica
Fallin	Miller (FL)
Flake	Miller (MI)
Fleming	Miller, Gary
Forbes	Minnick
Fortenberry	Moran (KS)
Fox	

NOT VOTING—14

Abercrombie	Broun (GA)
Becerra	Davis (IL)
Bishop (UT)	Johnson, Sam

Speier	Ros-Lehtinen
Spratt	Roppersberger
Stark	
Sutton	
Tauscher	
Terry	
Thompson (CA)	
Thompson (MS)	
Thornberry	
Tierney	
Titus	
Tonko	
Towns	
Tsongas	
Van Hollen	
Velázquez	
Viscosky	
Walden	
Walz	
Waters	
Watson	
Watt	
Waxman	
Weiner	
Welch	
Wexler	
Woolsey	
Wu	
Yarmuth	
Young (AK)	

Sánchez, Linda	Sullivan
T.	Wilson (OH)
Sanchez, Loretta	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1541

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

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 against:

Mr. MCCARTHY of California. Mr. Speaker, during final consideration of H.R. 31, I inadvertently voted “yea” on rollcall 297. I intended to vote “nay.”

HONORING ANNUAL SUSAN G. KOMEN RACE FOR THE CURE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 109, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPs) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 109.

This is a 5-minute vote.

The vote was taken by electronic de-vice, and there were—yeas 417, nays 0, not voting 16, as follows:

[Roll No. 298]

YEAS—417

Abercrombie	Brady (PA)	Connolly (VA)
Ackerman	Brady (TX)	Conyers
Aderholt	Bralley (IA)	Cooper
Adler (NJ)	Bright	Costa
Akin	Brown (SC)	Costello
Alexander	Brown, Corrine	Courtney
Altmire	Brown-Waite,	Crenshaw
Andrews	Ginny	Crowley
Arcuri	Buchanan	Cuellar
Austria	Burgess	Culberson
Baca	Burton (IN)	Cummings
Bachmann	Butterfield	Dahlkemper
Bachus	Buyer	Davis (AL)
Baird	Calvert	Davis (CA)
Baldwin	Camp	Davis (KY)
Barrett (SC)	Campbell	Davis (TN)
Barrow	Cantor	Deal (GA)
Bartlett	Cao	DeFazio
Barton (TX)	Capito	DeGette
Bean	Capps	Delahunt
Berkley	Capuano	DeLauro
Berman	Cardoza	Dent
Berry	Carnahan	Diaz-Balart, L.
Biggert	Carney	Diaz-Balart, M.
Bilbray	Carson (IN)	Dicks
Bilirakis	Carter	Dingell
Bishop (GA)	Cassidy	Doggett
Bishop (NY)	Castle	Donnelly (IN)
Blackburn	Castor (FL)	Doyle
Blumenauer	Chaffetz	Dreier
Blunt	Chandler	Driehaus
Bocchieri	Childers	Duncan
Boehner	Clarke	Edwards (MD)
Bonner	Clay	Edwards (TX)
Bono Mack	Cleaver	Ehlers
Boozman	Clyburn	Ellison
Boren	Coble	Ellsworth
Boswell	Coffman (CO)	Emerson
Boucher	Cohen	Engel
Boustany	Cole	Eshoo
Boyd	Conaway	Etheridge