

|              |             |            |
|--------------|-------------|------------|
| Royal-Allard | Spratt      | Unsoeld    |
| Sabo         | Stark       | Valentine  |
| Sanders      | Stenholm    | Velazquez  |
| Sangmeister  | Stokes      | Vento      |
| Sarpalius    | Strickland  | Visclosky  |
| Sawyer       | Studds      | Volkmer    |
| Schenk       | Stupak      | Washington |
| Schiff       | Swett       | Waters     |
| Schumer      | Swift       | Watt       |
| Scott        | Synar       | Waxman     |
| Serrano      | Talent      | Wheat      |
| Sharp        | Tanner      | Whitten    |
| Shepherd     | Taylor (MS) | Williams   |
| Sisisky      | Tejeda      | Wilson     |
| Skaggs       | Thompson    | Wise       |
| Skeen        | Thornton    | Wolf       |
| Skelton      | Thurman     | Wyden      |
| Slattery     | Torres      | Wynn       |
| Slaughter    | Torricelli  | Yates      |
| Smith (IA)   | Trafficant  | Young (FL) |
| Smith (NJ)   | Tucker      |            |

## NAYS—157

|              |              |               |
|--------------|--------------|---------------|
| Allard       | Gilchrest    | Michel        |
| Archer       | Gillmor      | Miller (FL)   |
| Armey        | Gilman       | Molinari      |
| Bachus (AL)  | Gingrich     | Moorhead      |
| Baker (CA)   | Goodlatte    | Nussle        |
| Baker (LA)   | Goodling     | Packard       |
| Ballenger    | Goss         | Paxon         |
| Barrett (NE) | Grams        | Petri         |
| Bartlett     | Grandy       | Pickett       |
| Barton       | Greenwood    | Pombo         |
| Bentley      | Gunderson    | Porter        |
| Bereuter     | Hancock      | Portman       |
| Bilirakis    | Hastert      | Poshard       |
| Bliley       | Hefley       | Pryce (OH)    |
| Blute        | Heger        | Quillen       |
| Boehert      | Hobson       | Quinn         |
| Boehner      | Hoekstra     | Ramstad       |
| Bonilla      | Hoke         | Ravenel       |
| Bunning      | Huffington   | Ridge         |
| Burton       | Hunter       | Roberts       |
| Buyer        | Hutchinson   | Rohrabacher   |
| Callahan     | Hyde         | Ros-Lehtinen  |
| Calvert      | Inglis       | Roth          |
| Camp         | Inhofe       | Roukema       |
| Canady       | Istook       | Rush          |
| Castle       | Jacobs       | Santorum      |
| Coble        | Johnson (CT) | Saxton        |
| Collins (GA) | Johnson, Sam | Schaefer      |
| Combest      | Kasich       | Schroeder     |
| Costello     | Kim          | Sensenbrenner |
| Crane        | King         | Shaw          |
| Crapo        | Kingston     | Shays         |
| Cunningham   | Klug         | Shuster       |
| DeLay        | Knollenberg  | Smith (MI)    |
| Diaz-Balart  | Kolbe        | Smith (TX)    |
| Dickey       | Kyl          | Snowe         |
| Doolittle    | Lazio        | Solomon       |
| Dornan       | Leach        | Spence        |
| Dreier       | Levy         | Stearns       |
| Duncan       | Lewis (CA)   | Stump         |
| Dunn         | Lewis (FL)   | Sundquist     |
| Emerson      | Lightfoot    | Taylor (NC)   |
| Everett      | Linder       | Thomas (CA)   |
| Ewing        | Manzullo     | Thomas (WY)   |
| Fawell       | McCandless   | Torkildsen    |
| Fields (TX)  | McCollum     | Upton         |
| Fish         | McCrery      | Vucanovich    |
| Fowler       | McHugh       | Walker        |
| Franks (CT)  | McInnis      | Walsh         |
| Franks (NJ)  | McKeon       | Weldon        |
| Galleghy     | McMillan     | Zimmer        |
| Gallo        | Meyers       |               |
| Gekas        | Mica         |               |

## NOT VOTING—20

|         |               |            |
|---------|---------------|------------|
| Berman  | Houghton      | Smith (OR) |
| Cardin  | Kaptur        | Tauzin     |
| Clay    | Machtley      | Towns      |
| Clinger | Moran         | Woolsey    |
| Cox     | Oxley         | Young (AK) |
| Hansen  | Peterson (MN) | Zeliff     |
| Horn    | Royle         |            |

So the joint resolution was passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said joint resolution.

## ¶125.8 PROVIDING FOR THE CONSIDERATION OF H.R. 334

Mr. HALL of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 286):

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 334) to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(2)(B) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommitt.

When said resolution was considered.

After debate,

On motion of Mr. HALL of Ohio, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

## ¶125.9 LUMBEE TRIBAL RECOGNITION

The SPEAKER pro tempore, Mr. GLICKMAN, pursuant to House Resolution 286 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 334) to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes.

The SPEAKER pro tempore, Mr. GLICKMAN, by unanimous consent, designated Mr. PETERSON of Florida as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. HASTINGS assumed the Chair; and after some time spent therein,

## ¶125.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. THOMAS of Wyoming:

Strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. AUTHORITY TO PETITION FOR FEDERAL RECOGNITION.**

(a) CONSIDERATION OF LUMBEE PETITION.—The Act of June 7, 1956 (70 Stat. 254), shall not be construed to constitute a bar to the consideration by the Secretary of the Interior of a petition of a group or organization representing the Lumbee Indians of Robeson and adjoining counties of North Carolina.

(b) CONSIDERATION OF OTHER PETITIONS.—The Act of June 7, 1956, shall not be construed to constitute a bar to the consideration by the Secretary of a petition of a group or organization representing any Indians in Robeson or any other county of North Carolina other than the Lumbee Indians.

(c) RECOGNIZED GROUPS.—The Act of June 7, 1956, shall not be construed to operate to deny any group or organization whose petition is approved by the Secretary on or after the date of the enactment of this Act any of the special programs or services provided by the United States to Indian tribes and their members because of their status as Indians.

**SEC. 2. CONSIDERATION OF PETITION REQUIRING RECOGNITION AS AN INDIAN TRIBE.**

(a) PROPOSED FINDING.—The Assistant Secretary of the Interior for Indian Affairs shall publish a proposed finding with respect to 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, not later than 18 months after the date on which the petitioner has fully responded to the notice of obvious deficiencies regarding that petition.

(b) NUMBER OF MEMBERS NOT A FACTOR.—The number of persons listed on the membership roll contained in the petition referred to in subsection (a) shall not be taken into account in considering such petition except that the Assistant Secretary may review the eligibility of individual members or groups listed in such petition in accordance with the provisions of part 83 of title 25, Code of Federal Regulations.

(c) REVIEW.—(1) If the Assistant Secretary fails to publish the proposed finding referred to in subsection (a) within the 18-month period referred to in such subsection, the petitioner may treat such failure as final agency action refusing to recognize the petitioner as an Indian tribe and seek in federal district court a determination of whether the petitioner should be recognized as an Indian tribe in accordance with the criteria specified in section 83.7 of title 25, Code of Federal Regulations.

(2) If the Assistant Secretary publishes a final decision refusing to recognize the Indians seeking recognition under the petition referred to in subsection (a), the petitioner may, not later than one year after the date on which the final decision is published, seek in Federal district court a review of the decision, notwithstanding the availability of other administrative remedies.

**SEC. 3. CRIMINAL AND CIVIL JURISDICTION.**

(a) STATE.—In the event that an Indian tribe is recognized pursuant to the petition referred to in section 2(a), the State of North Carolina shall exercise jurisdiction over all criminal offenses that are committed and all civil causes of action that arise, on lands located within the State that are owned by, or held in trust by the United States for, such tribe or any member of such tribe, or on lands within any dependent community of such tribe, to the same extent that the State has jurisdiction over any such offense committed elsewhere in the State or over other civil causes of action.

(b) TRANSFER TO THE UNITED STATES.—The Secretary may accept on behalf of the United States, after consultation 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 described in subsection (a).

**SEC. 4. NO DELAY FOR PETITIONS AWAITING ACTIVE CONSIDERATION.**

It is the sense of the Congress that the review of the petition referred to in section

2(a) should not unnecessarily delay the review of the pending full documented petitions for recognition as an Indian tribe awaiting active consideration as of the date of enactment of this Act.

It was decided in the negative { Yeas ..... 178 Nays ..... 238

¶125.11 [Roll No. 537] AYES—178

- Allard Archer Armye Bachus (AL) Baker (CA) Baker (LA) Ballenger Barrett (NE) Bartlett Barton Bentley Bereuter Bilirakis Bilely Blute Boehlert Boehner Bonilla Brewster Bunting Burton Buyer Callahan Calvert Camp Canady Castle Collins (GA) Combest Crane Crapo Cunningham DeLauro DeLay Diaz-Balart Dickey Dingell Doolittle Dreier Duncan Dunn Edwards (CA) Emerson English (OK) Everett Fawell Fields (TX) Fish Fowler Franks (CT) Franks (NJ) Gallegly Gallo Gekas Gilchrist Gillmor Gilman Gingrich Goodlatte

NOES—238

- Bryant Byrnes Cantwell Carr Chapman Clay Clayton Clement Clyburn Coble Coleman Collins (IL) Collins (MI) Condit Cooper Coppersmith Costello Coyne Cramer Danner Darden de la Garza de Lugo (VI) Deal DeFazio Dellums

- Gephardt Geren Gibbons Glickman Gonzalez Gordon Gutierrez Hall (OH) Hamburg Hamilton Harman Hastings Hayes Hefner Hilliard Hinchey Hoagland Hochbrueckner Holden Hutto Jacobs Jefferson Johnson (GA) Johnson, E. B. Kanjorski Kaptur Kennedy Kildee Kleczka Klein Klink Kopetski Kreidler Lambert Lancaster Lantos LaRocco Laughlin Levin Lewis (GA) Lipinski Lloyd Long Lowey Maloney Mann Mantone Margolies-Mezvinsky Markey Martinez Matsui

NOT VOTING—22

- Bateman Berman Cardin Clinger Conyers Cox Dornan Green Inglis Johnston Kasich McNulty Penny Rangel Romero-Barcelo (PR) Royce Smith (OR) Tauzin Taylor (MS) Towns Vucanovich Young (AK)

So the amendment in the nature of a substitute was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. DURBIN, assumed the Chair.

When Mr. PETERSON of Florida, Chairman, pursuant to House Resolution 286, reported the bill back to the House.

The previous question having been ordered by said resolution.

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

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. DURBIN, announced that the nays had it.

Mr. RICHARDSON demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 228 Nays ..... 184

¶125.12 [Roll No. 538] AYES—228

- Abercrombie Ackerman Andrews (ME) Andrews (NJ) Andrews (TX) Applegate Bacchus (FL) Baesler Barcia Barlow Barrett (WI) Becerra Beilenson Bevill Bilbray Bishop Blackwell Bonior Borski Boucher Brewster Browder Brown (CA) Brown (FL) Brown (OH) Bryant Byrnes Cantwell Carr Chapman Clay Clayton Clement Clyburn Coble Coleman Collins (IL) Collins (MI) Cooper Coppersmith Costello Coyne Cramer Danner Darden de la Garza Deal DeFazio Dellums Derrick Deutsch Dicks Dixon Dooley Durbin Edwards (CA) Edwards (TX) Engel English (AZ) Eshoo Evans Farr Fazio Fields (LA) Filner Fingerhut Flake Foglietta Ford (MI) Ford (TN) Frank (MA) Frost Furse Gejdenson Gephardt

NOES—184

- Geren Gibbons Gilman Glickman Gonzalez Gordon Gutierrez Hall (OH) Hamburg Hamilton Harman Hastings Hefner Hilliard Hinchey Hochbrueckner Holden Horn Hoyer Jacobs Jefferson Johnson (GA) Johnson, E. B. Kanjorski Kaptur Kennedy Kildee Kleczka Klein Klink Kopetski Lambert Lancaster Lantos LaRocco Leach Lehman Levin Lewis (GA) Lipinski Lloyd Long Lowey Maloney Mann Mantone Margolies-Mezvinsky Martinez Matsui Mazzoli McCloskey McDermott McHale McKinney McMillan Meehan Meek Mfume Miller (CA) Mineta Mink Moakley Mollohan Moran Murphy Murtha Nadler Natcher Neal (MA) Neal (NC) Obey Olver Ortiz Owens Pallone Pastor Payne (NJ) Payne (VA) Underwood (GU) Valentine Velazquez Vento Visclosky Volkmer Washington Waters Watt Waxman Wheat Whitten Williams Wilson Wise Woolsey Wyden Wynn Yates