

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 31) TO PROVIDE FOR THE RECOGNITION OF THE LUMBEE TRIBE OF NORTH CAROLINA, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF 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

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JUNE 2, 2009.—Referred to the House Calendar and ordered to be printed

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Mr. CARDOZA, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 490]

The Committee on Rules, having had under consideration House Resolution 490, by a non-record vote report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 31, the “Lumbee Recognition Act,” under a closed rule providing one hour of general debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The resolution waives all points of order against provisions of the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution provides that the bill, as amended, shall be considered as read. The resolution provides one motion to recommit with or without instructions.

The resolution also provides for consideration of H.R. 1385, the “Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009,” under a structured rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The resolution provides that the

amendment in the nature of a substitute recommended by the Committee on Natural Resources, now printed in the bill, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI the bill. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution makes in order only those amendments printed in this report. The resolution provides that the amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in the report except for clauses 9 and 10 of rule XXI. Finally, the resolution provides one motion to recommit H.R. 1385 with or without instructions.

#### EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of H.R. 31 (except for those arising under clauses 9 and 10 of rule XXI) and against provisions of the bill, as amended, the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

Although the rule waives all points of order against consideration of H.R. 1385 (except for those arising under clauses 9 and 10 of rule XXI) and against the committee amendment in the nature of a substitute (except for those arising under clause 10 of rule XXI), the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 104*

Date: June 2, 2009.

Measure: H.R. 31.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment to H.R. 31 by Reps. Shuler (NC), Minnick (ID), McHenry (NC), #1, an amendment in the nature of a substitute, which would allow the Lumbee Tribe of North Carolina to undergo the standard recognition process through the Department of Interior. It would require that their petition be processed and a decision issued within 18 months of submission. It would prohibit the Assistant Secretary from taking into account the number of members listed on the petition during consideration of the petition.

Results: Defeated 2-7.

Vote by Members: Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Foxx—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER FOR H.R. 1385

(Summaries derived from information provided by sponsors.)

1. Goodlatte (VA): Would provide that eminent domain may not be used to acquire lands in fee or in trust for an Indian tribe recognized under this Act. (10 minutes)
2. Goodlatte (VA): Would amend section 506(a) of the bill to remove all counties except Amherst County, Virginia. (10 minutes)

TEXT OF THE AMENDMENTS TO BE MADE IN ORDER FOR H.R. 1385

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOODLATTE OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new title:

**TITLE VII—EMINENT DOMAIN**

**SEC. 701. LIMITATION.**

Eminent domain may not be used to acquire lands in fee or in trust for an Indian tribe recognized under this Act.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOODLATTE OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 51, beginning on line 1, strike “Albemarle” and all that follows through “Virginia” on line 4 and insert “Amherst County, Virginia”.

Page 51, line 7, strike “Albermarle” and all that follows through “Virginia” on line 10 and insert “Amherst County, Virginia”.