114th CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
114–

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2130) TO PROVIDE LEGAL CERTAINTY TO PROPERTY OWNERS ALONG THE RED RIVER IN TEXAS, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

December 8, 2015.—Referred to the House Calendar and ordered to be printed.

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

REPORT

[To accompany H. Res.__]

The Committee on Rules, having had under consideration House Resolution____, by a nonrecord 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. 2130, the Red River Private Property Protection Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment 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 this report. The

resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides that it shall be in order at any time through the calendar day of December 13, 2015, for the Speaker to entertain motions that the House suspend the rules and that the Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver of all points of order prophylactic in nature.

Although the resolution waives all points of order against provisions in the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

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. 129

Motion by Ms. Slaughter to provide that the Committee add a section to the rule that provides for the consideration of H.R. 1076, the Denying Firearms and Explosives to Dangerous Terrorists Act of 2015, under an open rule. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Cole	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Burgess	Nay	Mr. Polis	Yea
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse	Nay		
Mr. Sessions, Chairman	Nay		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Bishop, Rob (UT): MANAGER'S Ensures that nothing in the bill would create or reinstate a tribal reservation or any portion of a tribal reservation; ensures that nothing in the bill will alter the valid rights of the Kiowa, Comanche, and Apache Nations to the mineral interest trust fund created pursuant to the Act of June 12, 1926; allows for the affected federally recognized Indian tribes to be a part of the survey process; and allows for further judicial review after the administrative appeals process for landowners. (10 minutes)
2. Cole (OK): Ensures the bill preserves past and current surface and mineral rights for affected Indian tribes. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

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

1

AMENDMENT TO H.R. 2130, AS REPORTED

OFFERED BY MR. BISHOP OF UTAH

Page 5, line 12, insert "and seek further judicial review" after "appeal".

Page 5, line 18, strike "Not" and insert the following:

1 (a) APPEAL TO ADMINISTRATIVE LAW JUDGE.—Not

Page 5, after line 23, insert the following:

2 (b) FURTHER JUDICIAL REVIEW.—

3 (1) IN GENERAL.—A landowner who filed an
4 appeal under subsection (a) and is adversely affected
5 by the final decision may, not later than 120 days
6 after the date of the final decision, file a civil action
7 in the United States district court for the dis-
8 trict——

9 (A) in which the person resides; or

10 (B) in which the affected area is located.

11 (2) STANDARD OF REVIEW.—The district court
12 may review the case de novo and may enter a judg-
13 ment enforcing, modifying, and enforcing as so
14 modified, or setting aside in whole or in part, the de-
15 cision of the administrative law judge.

Page 6, line 8, insert "or further judicial review" after "appeal".

Page 6, line 9, insert "OR JUDICIAL REVIEW" after "APPEAL".

Page 6, line 11, insert "or judicial review" after "appeal".

Page 6, line 20, insert "OR JUDICIAL REVIEW" after "APPEAL".

Page 6, line 21, insert "or further judicial review" after "appeal".

Page 6, line 23, insert "or judicial reviews" after "appeals".

Page 6, line 25, insert "or further judicial review" after "appeal".

Page 9, line 14, insert "or further judicial review" after "appeal".

Page 11, after line 20, insert the following:

1 (d) TRIBAL RESERVATIONS.—Nothing in this Act
2 shall be construed to create or reinstate a tribal reserva-
3 tion or any portion of a tribal reservation.
4 (e) TRIBAL MINERAL INTERESTS.—Nothing in this
5 Act shall be construed to alter the valid rights of the

1 Kiowa, Comanche, and Apache Nations to the mineral in-
2 terest trust fund created pursuant to the Act of June 12,
3 1926.

Insert "and each affected federally recognized Indian tribe" after "Oklahoma Commissioners of the Land Office" each place it appears.

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

JR

AMENDMENT TO H.R. 2130, AS REPORTED

OFFERED BY MR. COLE OF OKLAHOMA

Page 6, line 13, strike "landowners" and insert "federally recognized Indian tribes with jurisdiction over lands".

Page 7, lines 8 and 9, strike "or deed or color of title".

Page 7, line 11, strike "$1.25" and insert "fair market value".

Page 8, after line 7, insert the following (and redesignate the subsequent clauses accordingly):

1 (i) the federally recognized Indian
2 tribes holding reservation or allotment land
3 on June 5, 1906, with the first right of re-
4 fusal;

Page 8, line 9, strike "first" and insert "second".

Page 8, line 13, strike "second" and insert "third".

Page 8, line 15, strike "third" and insert "fourth".

Page 8, line 18, strike "fourth" and insert "fifth"

Page 8, after line 22, insert the following (and redesignate the subsequent clauses accordingly):

1 (i) the federally recognized Indian
2 tribes holding reservation or allotment land
3 on June 5, 1906, with the first right of re-
4 fusal;

Page 8, line 24, strike "first" and insert "second".

Page 9, line 3, strike "second" and insert "third".

Page 9, line 5, strike "third" and insert "fourth".

Page 9, line 8, strike "fourth" and insert "fifth"

Page 11, after line 20, insert the following:

5 (d) TRIBAL ALLOTMENTS.—Nothing in this Act shall
6 be construed to alter the present median line of the Red
7 River as it relates to the surface or mineral interests of
8 tribal allottees north of the present median line.

House Calendar No. _____

114TH CONGRESS
1ST SESSION

H. RES. _____

Report No. 114–_____

Providing for consideration of the bill (H.R. 2130) to provide legal certainty to property owners along the Red River in Texas, and for other purposes, and providing for consideration of motions to suspend the rules.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2015

Mr. NEWHOUSE, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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RESOLUTION

Providing for consideration of the bill (H.R. 2130) to provide legal certainty to property owners along the Red River in Texas, and for other purposes, and providing for consideration of motions to suspend the rules.

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2130) to provide legal certainty to property owners along the Red River in Texas, and for

other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair 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. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the 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

1 the Committee of the Whole. All points of order against
2 such amendments are waived. At the conclusion of consid-
3 eration of the bill for amendment the Committee shall rise
4 and report the bill to the House with such amendments
5 as may have been adopted. Any Member may demand a
6 separate vote in the House on any amendment adopted
7 in the Committee of the Whole to the bill or to the com-
8 mittee amendment in the nature of a substitute. The pre-
9 vious question shall be considered as ordered on the bill
10 and amendments thereto to final passage without inter-
11 vening motion except one motion to recommit with or
12 without instructions.

13 SEC. 2. It shall be in order at any time through the
14 calendar day of December 13, 2015, for the Speaker to
15 entertain motions that the House suspend the rules as
16 though under clause 1 of rule XV. The Speaker or his
17 designee shall consult with the Minority Leader or her des-
18 ignee on the designation of any matter for consideration
19 pursuant to this section.