

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 334

To provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. ROSE introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Lumbee Recognition  
5        Act”.

6        **SEC. 2. PREAMBLE.**

7        The preamble to the Act of June 7, 1956 (70 Stat.  
8        254), is amended—

9                (1) by striking out “and” at the end of each of  
10        the first three clauses;

1           (2) by striking out “: Now therefore,” at the  
2           end of the last clause and inserting in lieu thereof  
3           a semicolon; and

4           (3) by adding at the end thereof the following  
5           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 the Lumbee Indians have been recognized by the  
State of North Carolina as an Indian tribe since 1885;

“Whereas the Lumbee Indians have sought Federal recogni-  
tion as an Indian tribe since 1888; and

“Whereas the Lumbee Indians are entitled to Federal rec-  
ognition of their status as an Indian tribe and the bene-  
fits, privileges, and immunities that accompany such sta-  
tus: Now, therefore,”.

6   **SEC. 3. FEDERAL RECOGNITION.**

7           The Act of June 7, 1956 (70 Stat. 254), is amend-  
8           ed—

9           (1) by striking out the last sentence of the first  
10          section; and

11          (2) by striking out section 2 and inserting in  
12          lieu thereof the following:

13          “FEDERAL RECOGNITION; ACKNOWLEDGMENT

14          “SEC. 2. (a) Federal recognition is hereby extended  
15          to the Lumbee Tribe of Cheraw Indians of North Carolina.

1 All laws and regulations of the United States of general  
2 application to Indians and Indian tribes shall apply to the  
3 Lumbee Tribe of Cheraw Indians of North Carolina and  
4 its members.

5 “(b) Notwithstanding the first section of this Act,  
6 any group of Indians in Robeson or adjoining counties  
7 whose members are not enrolled in the Lumbee Tribe of  
8 Cheraw Indians of North Carolina, as determined under  
9 section 4(b), may petition under part 83 of title 25 of the  
10 Code of Federal Regulations for acknowledgment of tribal  
11 existence.

12 “SERVICES

13 “SEC. 3. (a) The Lumbee Tribe of Cheraw Indians  
14 of North Carolina and its members shall be eligible for  
15 all services and benefits provided to Indians because of  
16 their status as federally recognized Indians, except that  
17 members of the tribe shall not be entitled to such services  
18 until the appropriation of funds for these purposes. For  
19 the purposes of the delivery of such services, those mem-  
20 bers of the tribe residing in Robeson and adjoining coun-  
21 ties, North Carolina, shall be deemed to be resident on  
22 or near an Indian reservation.

23 “(b) Upon verification of a tribal roll under section  
24 4 by the Secretary of the Interior, the Secretary of the  
25 Interior and the Secretary of Health and Human Services  
26 shall develop, in consultation with the Lumbee Tribe of

1 Cheraw Indians of North Carolina, a determination of  
2 needs and a budget required to provide services to which  
3 the members of the tribe are eligible. The Secretary of  
4 the Interior and the Secretary of Health and Human Serv-  
5 ices shall each submit a written statement of such needs  
6 and budget with the first budget request submitted to the  
7 Congress after the fiscal year in which the tribal roll is  
8 verified.

9 “(c)(1) The Lumbee Tribe of Cheraw Indians of  
10 North Carolina is authorized to plan, conduct, consolidate,  
11 and administer programs, services, and functions author-  
12 ized under the Act of April 16, 1934 (48 Stat. 596; 25  
13 U.S.C. 452, et seq.), and the Act of November 2, 1921  
14 (42 Stat. 208; 25 U.S.C. 13), popularly known as the Sny-  
15 der Act, pursuant to an annual written funding agreement  
16 among the Lumbee Tribe of Cheraw Indians of North  
17 Carolina, the Secretary of the Interior, and the Secretary  
18 of Health and Human Services, which shall specify—

19 “(A) the services to be provided, the functions  
20 to be performed, and the procedures to be used to  
21 reallocate funds or modify budget allocations, within  
22 any fiscal year; and

23 “(B) the responsibility of the Secretary of the  
24 Interior for, and the procedure to be used in, audit-  
25 ing the expenditures of the tribe.

1       “(2) The authority provided under this subsection  
2 shall be in lieu of the authority provided under the Indian  
3 Self-Determination and Education Assistance Act (25  
4 U.S.C. 450, et seq.).

5       “(3) Nothing in this subsection shall be construed as  
6 affecting, modifying, diminishing, or otherwise impairing  
7 the sovereign immunity from lawsuit enjoyed by the  
8 Lumbee Tribe of Cheraw Indians of North Carolina or au-  
9 thorizing or requiring the termination of any trust respon-  
10 sibility of the United States with respect to the tribe.

11                   “CONSTITUTION AND MEMBERSHIP

12       “SEC. 4. (a) The Lumbee Tribe of Cheraw Indians  
13 of North Carolina shall organize for its common welfare  
14 and adopt a constitution and bylaws. Any constitution, by-  
15 laws, or amendments to the constitution or bylaws that  
16 are adopted by the tribe must be consistent with the terms  
17 of this Act and shall take effect only after such documents  
18 are filed with the Secretary of the Interior. The Secretary  
19 shall assist the tribe in the drafting of a constitution and  
20 bylaws, the conduct of an election with respect to such  
21 constitution, and the reorganization of the government of  
22 the tribe under any such constitution and bylaws.

23       “(b)(1) Until the Lumbee Tribe of Cheraw Indians  
24 of North Carolina adopts a constitution and except as pro-  
25 vided in paragraph (2), the membership of the tribe shall,  
26 subject to review by the Secretary, consist of every individ-

1 ual who is named in the tribal membership roll that is  
2 in effect on the date of enactment of this Act.

3 “(2)(A) Before adopting a constitution, the roll of the  
4 tribe shall be open for a 180-day period to allow the enroll-  
5 ment of any individual previously enrolled in another In-  
6 dian group or tribe in Robeson or adjoining counties,  
7 North Carolina, who demonstrates that—

8 “(i) the individual is eligible for enrollment in  
9 the Lumbee Tribe of Cheraw Indians; and

10 “(ii) the individual has abandoned membership  
11 in any other Indian group or tribe.

12 “(B) The Lumbee Tribe of Cheraw Indians of North  
13 Carolina shall advertise in newspapers of general distribu-  
14 tion in Robeson and adjoining counties, North Carolina,  
15 the opening of the tribal roll for the purposes of subpara-  
16 graph (A). The advertisement shall specify the enrollment  
17 criteria and the deadline for enrollment.

18 “(3) The review of the tribal roll of the Lumbee Tribe  
19 of Cheraw Indians of North Carolina shall be limited to  
20 verification of compliance with the membership criteria of  
21 the tribe as stated in the Lumbee Petition for Federal Ac-  
22 knowledgment filed with the Secretary by the tribe on De-  
23 cember 17, 1987. The Secretary shall complete his review  
24 and verification of the tribal roll within the 12-month pe-

1 riod beginning on the date on which the tribal roll is closed  
2 under paragraph (2).

3 “JURISDICTION

4 “SEC. 5. (a)(1) The State of North Carolina shall ex-  
5 ercise jurisdiction over—

6 “(A) all criminal offenses that are committed  
7 on, and

8 “(B) all civil actions that arise on,  
9 lands located within the State of North Carolina that are  
10 owned by, or held in trust by the United States for, the  
11 Lumbee Tribe of Cheraw Indians of North Carolina, any  
12 member of the Lumbee Tribe of Cheraw Indians of North  
13 Carolina, or any dependent Indian community of the  
14 Lumbee Tribe of Cheraw Indians of North Carolina.

15 “(2) The Secretary of the Interior is authorized to  
16 accept on behalf of the United States, after consulting  
17 with the Attorney General of the United States, any trans-  
18 fer by the State of North Carolina to the United States  
19 of any portion of the jurisdiction of the State of North  
20 Carolina described in paragraph (1) pursuant to an agree-  
21 ment between the Lumbee Tribe of Cheraw Indians and  
22 the State of North Carolina. Such transfer of jurisdiction  
23 may not take effect until two years after the effective date  
24 of such agreement.

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

4       “(b) Section 5 of the Act of June 18, 1934 (Chapter  
5 576; 25 U.S.C. 465), and the Act of April 11, 1970 (84  
6 Stat. 120; 25 U.S.C. 488 et seq.), shall apply to the  
7 Lumbee Tribe of Cheraw Indians of North Carolina with  
8 respect to lands within the exterior boundaries of Robeson  
9 and adjoining counties, North Carolina.

10               “AUTHORIZATION OF APPROPRIATIONS

11       “SEC. 6. (a) There are authorized to be appropriated  
12 such funds as may be necessary to carry out this Act.

13       “(b) In the first fiscal year in which funds are appro-  
14 priated under this Act, the tribe’s proposals for expendi-  
15 tures of such funds shall be submitted to the Select Com-  
16 mittee on Indian Affairs of the Senate and the Committee  
17 on Natural Resources of the House of Representatives 60  
18 calendar days prior to any expenditure of such funds by  
19 the tribe.”.

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