

Union Calendar No. 159

103D CONGRESS
1ST SESSION

H. R. 334

[Report No. 103-290]

A BILL

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

OCTOBER 14, 1993

Committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

OCTOBER 14, 1993

Additional sponsors: Mr. LANCASTER, Mr. NEAL of North Carolina, Mr. KOPETSKI, Mr. FALCOMA, Mr. HEFNER, Mr. TOWNS, Mr. BLACKWELL, Mr. WATT, Mr. YATES, Mrs. CLAYTON, Mr. PRICE of North Carolina, Mr. NEAL of Massachusetts, Mr. CARDIN, Mr. VALENTINE, Mr. DE LUGO, Mr. COBLE, Mr. FROST, and Mr. ABERCROMBIE

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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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Lumbee Recognition
3 Act”.

4 **SEC. 2. PREAMBLE.**

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

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

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

12 (3) by adding at the end thereof the following
13 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,”.

1 **SEC. 3. FEDERAL RECOGNITION.**

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

4 (1) by striking out the last sentence of the first
5 section; and

6 (2) by striking out section 2 and inserting in
7 lieu thereof the following:

8 “FEDERAL RECOGNITION; ACKNOWLEDGMENT

9 “SEC. 2. (a) Federal recognition is hereby extended
10 to the Lumbee Tribe of Cheraw Indians of North Carolina.
11 All laws and regulations of the United States of general
12 application to Indians and Indian tribes shall apply to the
13 Lumbee Tribe of Cheraw Indians of North Carolina and
14 its members.

15 “(b) Notwithstanding the first section of this Act,
16 any group of Indians in Robeson or adjoining counties
17 whose members are not enrolled in the Lumbee Tribe of
18 Cheraw Indians of North Carolina, as determined under
19 section 4(b), may petition under part 83 of title 25 of the
20 Code of Federal Regulations for acknowledgment of tribal
21 existence.

22 “SERVICES

23 “SEC. 3. (a) The Lumbee Tribe of Cheraw Indians
24 of North Carolina and its members shall be eligible for
25 all services and benefits provided to Indians because of
26 their status as federally recognized Indians, except that

1 members of the tribe shall not be entitled to such services
2 until the appropriation of funds for these purposes. For
3 the purposes of the delivery of such services, those mem-
4 bers of the tribe residing in Robeson and adjoining coun-
5 ties, North Carolina, shall be deemed to be resident on
6 or near an Indian reservation.

7 “(b) Upon verification of a tribal roll under section
8 4 by the Secretary of the Interior, the Secretary of the
9 Interior and the Secretary of Health and Human Services
10 shall develop, in consultation with the Lumbee Tribe of
11 Cheraw Indians of North Carolina, a determination of
12 needs and a budget required to provide services to which
13 the members of the tribe are eligible. The Secretary of
14 the Interior and the Secretary of Health and Human Serv-
15 ices shall each submit a written statement of such needs
16 and budget with the first budget request submitted to the
17 Congress after the fiscal year in which the tribal roll is
18 verified.

19 “(c)(1) The Lumbee Tribe of Cheraw Indians of
20 North Carolina is authorized to plan, conduct, consolidate,
21 and administer programs, services, and functions author-
22 ized under the Act of April 16, 1934 (48 Stat. 596; 25
23 U.S.C. 452, et seq.), and the Act of November 2, 1921
24 (42 Stat. 208; 25 U.S.C. 13), popularly known as the Sny-
25 der Act, pursuant to an annual written funding agreement

1 among the Lumbee Tribe of Cheraw Indians of North
2 Carolina, the Secretary of the Interior, and the Secretary
3 of Health and Human Services, which shall specify—

4 “(A) the services to be provided, the functions
5 to be performed, and the procedures to be used to
6 reallocate funds or modify budget allocations, within
7 any fiscal year; and

8 “(B) the responsibility of the Secretary of the
9 Interior for, and the procedure to be used in, audit-
10 ing the expenditures of the tribe.

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

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

21 “CONSTITUTION AND MEMBERSHIP

22 “SEC. 4. (a) The Lumbee Tribe of Cheraw Indians
23 of North Carolina shall organize for its common welfare
24 and adopt a constitution and bylaws. Any constitution, by-
25 laws, or amendments to the constitution or bylaws that
26 are adopted by the tribe must be consistent with the terms

1 of this Act and shall take effect only after such documents
2 are filed with the Secretary of the Interior. The Secretary
3 shall assist the tribe in the drafting of a constitution and
4 bylaws, the conduct of an election with respect to such
5 constitution, and the reorganization of the government of
6 the tribe under any such constitution and bylaws.

7 “(b)(1) Until the Lumbee Tribe of Cheraw Indians
8 of North Carolina adopts a constitution and except as pro-
9 vided in paragraph (2), the membership of the tribe shall,
10 subject to review by the Secretary, consist of every individ-
11 ual who is named in the tribal membership roll that is
12 in effect on the date of enactment of this Act.

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

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

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

22 “(B) The Lumbee Tribe of Cheraw Indians of North
23 Carolina shall advertise in newspapers of general distribu-
24 tion in Robeson and adjoining counties, North Carolina,
25 the opening of the tribal roll for the purposes of subpara-

1 graph (A). The advertisement shall specify the enrollment
2 criteria and the deadline for enrollment.

3 “(3) The review of the tribal roll of the Lumbee Tribe
4 of Cheraw Indians of North Carolina shall be limited to
5 verification of compliance with the membership criteria of
6 the tribe as stated in the Lumbee Petition for Federal Ac-
7 knowledgment filed with the Secretary by the tribe on De-
8 cember 17, 1987. The Secretary shall complete his review
9 and verification of the tribal roll within the 12-month pe-
10 riod beginning on the date on which the tribal roll is closed
11 under paragraph (2).

12 “JURISDICTION

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

15 “(A) all criminal offenses that are committed
16 on, and

17 “(B) all civil actions that arise on,
18 lands located within the State of North Carolina that are
19 owned by, or held in trust by the United States for, the
20 Lumbee Tribe of Cheraw Indians of North Carolina, any
21 member of the Lumbee Tribe of Cheraw Indians of North
22 Carolina, or any dependent Indian community of the
23 Lumbee Tribe of Cheraw Indians of North Carolina.

24 “(2) The Secretary of the Interior is authorized to
25 accept on behalf of the United States, after consulting
26 with the Attorney General of the United States, any trans-

1 fer by the State of North Carolina to the United States
2 of any portion of the jurisdiction of the State of North
3 Carolina described in paragraph (1) pursuant to an agree-
4 ment between the Lumbee Tribe of Cheraw Indians and
5 the State of North Carolina. Such transfer of jurisdiction
6 may not take effect until two years after the effective date
7 of such agreement.

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

11 “(b) Section 5 of the Act of June 18, 1934 (Chapter
12 576; 25 U.S.C. 465), and the Act of April 11, 1970 (84
13 Stat. 120; 25 U.S.C. 488 et seq.), shall apply to the
14 Lumbee Tribe of Cheraw Indians of North Carolina with
15 respect to lands within the exterior boundaries of Robeson
16 and adjoining counties, North Carolina.

17 “AUTHORIZATION OF APPROPRIATIONS

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

20 “(b) In the first fiscal year in which funds are appro-
21 priated under this Act, the tribe’s proposals for expendi-
22 tures of such funds shall be submitted to the Select Com-
23 mittee on Indian Affairs of the Senate and the Committee
24 on Natural Resources of the House of Representatives 60
25 calendar days prior to any expenditure of such funds by
26 the tribe.”.