

Calendar No. 333

103D CONGRESS
1ST SESSION

H. R. 334

AN ACT

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

NOVEMBER 22, 1993

Read the second time and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 1993

Received and read the first time

NOVEMBER 22, 1993

Read the second time and placed on the calendar

AN ACT

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—

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

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

6 (3) by adding at the end thereof the following
7 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,”.

8 **SEC. 3. FEDERAL RECOGNITION.**

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

11 (1) by striking out the last sentence of the first
12 section; and

13 (2) by striking out section 2 and inserting in
14 lieu thereof the following:

1 “FEDERAL RECOGNITION; ACKNOWLEDGMENT

2 “SEC. 2. (a) Federal recognition is hereby extended
3 to the Lumbee Tribe of Cheraw Indians of North Carolina.
4 All laws and regulations of the United States of general
5 application to Indians and Indian tribes shall apply to the
6 Lumbee Tribe of Cheraw Indians of North Carolina and
7 its members.

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

15 “SERVICES

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

1 “(b) Upon verification of a tribal roll under section
2 4 by the Secretary of the Interior, the Secretary of the
3 Interior and the Secretary of Health and Human Services
4 shall develop, in consultation with the Lumbee Tribe of
5 Cheraw Indians of North Carolina, a determination of
6 needs and a budget required to provide services to which
7 the members of the tribe are eligible. The Secretary of
8 the Interior and the Secretary of Health and Human Serv-
9 ices shall each submit a written statement of such needs
10 and budget with the first budget request submitted to the
11 Congress after the fiscal year in which the tribal roll is
12 verified.

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

23 “(A) the services to be provided, the functions
24 to be performed, and the procedures to be used to

1 reallocate funds or modify budget allocations, within
2 any fiscal year; and

3 “(B) the responsibility of the Secretary of the
4 Interior for, and the procedure to be used in, audit-
5 ing the expenditures of the tribe.

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

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

16 “CONSTITUTION AND MEMBERSHIP

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

1 constitution, and the reorganization of the government of
2 the tribe under any such constitution and bylaws.

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

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

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

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

18 “(B) The Lumbee Tribe of Cheraw Indians of North
19 Carolina shall advertise in newspapers of general distribu-
20 tion in Robeson and adjoining counties, North Carolina,
21 the opening of the tribal roll for the purposes of subpara-
22 graph (A). The advertisement shall specify the enrollment
23 criteria and the deadline for enrollment.

24 “(3) The review of the tribal roll of the Lumbee Tribe
25 of Cheraw Indians of North Carolina shall be limited to

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

8 “JURISDICTION

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

11 “(A) all criminal offenses that are committed
12 on, and

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

20 “(2) The Secretary of the Interior is authorized to
21 accept on behalf of the United States, after consulting
22 with the Attorney General of the United States, any trans-
23 fer by the State of North Carolina to the United States
24 of any portion of the jurisdiction of the State of North
25 Carolina described in paragraph (1) pursuant to an agree-
26 ment between the Lumbee Tribe of Cheraw Indians and

1 the State of North Carolina. Such transfer of jurisdiction
2 may not take effect until two years after the effective date
3 of such agreement.

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

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

13 “AUTHORIZATION OF APPROPRIATIONS

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

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

Passed the House of Representatives October 28,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.