

109TH CONGRESS
1ST SESSION

H. R. 4171

To provide for the consideration of a petition for Federal Recognition of the Lumbee Indians of Robeson and adjoining counties, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 2005

Mr. TAYLOR of North Carolina (for himself, Mr. JONES of North Carolina, Mr. MCHENRY, Ms. FOXX, and Mrs. MYRICK) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the consideration of a petition for Federal Recognition of the Lumbee Indians of Robeson and adjoining counties, 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. AUTHORITY TO PETITION FOR FEDERAL REC-**
4 **OGNITION.**

5 (a) CONSIDERATION OF LUMBEE PETITION.—The
6 Act of June 7, 1956 (70 Stat. 254), shall not be construed
7 to constitute a bar to the consideration by the Secretary
8 of the Interior of a petition of a group or organization

1 representing the Lumbee Indians of Robeson and adjoin-
2 ing counties of North Carolina.

3 (b) CONSIDERATION OF OTHER PETITIONS.—The
4 Act of June 7, 1956, shall not be construed to constitute
5 a bar to the consideration by the Secretary of a petition
6 of a group or organization representing any Indians in
7 Robeson or any other county of North Carolina other than
8 the Lumbee Indians.

9 (c) RECOGNIZED GROUPS.—The Act of June 7,
10 1956, shall not be construed to operate to deny any group
11 or organization whose petition is approved by the Sec-
12 retary on or after the date of the enactment of this Act
13 any of the special programs or services provided by the
14 United States to Indian tribes and their members because
15 of their status as Indians.

16 **SEC. 2. CONSIDERATION OF PETITION REQUESTING REC-**
17 **OGNITION AS AN INDIAN TRIBE.**

18 (a) PROPOSED FINDING.—The Assistant Secretary of
19 the Interior for Indian Affairs shall publish a proposed
20 finding with respect to the petition for Federal recognition
21 as an Indian tribe by the Secretary of the Interior pursu-
22 ant to part 83 of title 25, Code of Federal Regulations,
23 submitted by the Lumbee Regional Development Associa-
24 tion on December 17, 1987, and subsequently supple-
25 mented, not later than 18 months after the date on which

1 the petitioner has fully responded to the notice of obvious
2 deficiencies regarding that petition.

3 (b) NUMBER OF MEMBERS NOT A FACTOR.—The
4 number of persons listed on the membership roll contained
5 in the petition referred to in subsection (a) shall not be
6 taken into account in considering such petition except that
7 the Assistant Secretary may review the eligibility of indi-
8 vidual members or groups listed in such petition in accord-
9 ance with the provisions of part 83 of title 25, Code of
10 Federal Regulations.

11 (c) REVIEW.—(1) If the Assistant Secretary fails to
12 publish the proposed finding referred to in subsection (a)
13 within the 18-month period referred to in such subsection,
14 the petitioner may treat such failure as final agency action
15 refusing to recognize the petitioner as an Indian tribe and
16 seek in Federal district court a determination of whether
17 the petitioner should be recognized as an Indian tribe in
18 accordance with the criteria specified in section 83.7 of
19 title 25, Code of Federal Regulations.

20 (2) If the Assistant Secretary publishes a final
21 decision refusing to recognize the Indians seeking
22 recognition under the petition referred to in sub-
23 section (a), the petitioner may, not later than one
24 year after the date on which the final decision is
25 published, seek in Federal district court a review of

1 the decision, notwithstanding the availability of
2 other administrative remedies.

3 **SEC. 3. CRIMINAL AND CIVIL JURISDICTION.**

4 (a) STATE.—In the event that an Indian tribe is rec-
5 ognized pursuant to the petition referred to in section
6 2(a), the State of North Carolina shall exercise jurisdic-
7 tion over all criminal offenses that are committed and all
8 civil causes of action that arise, on lands located within
9 the State that are owned by, or held in trust by the United
10 States for, such tribe or any member of such tribe, or on
11 lands within any dependent community of such tribe, to
12 the same extent that the State has jurisdiction over any
13 such offense committed elsewhere in the State or over
14 other civil causes of action.

15 (b) TRANSFER TO THE UNITED STATES.—The Sec-
16 retary may accept on behalf of the United States, after
17 consultation with the Attorney General of the United
18 States, any transfer by the State of North Carolina to the
19 United States of any portion of the jurisdiction of the
20 State described in subsection (a).

21 **SEC. 4. NO DELAY FOR PETITIONS AWAITING ACTIVE CON-**
22 **SIDERATION.**

23 It is the sense of the Congress that the review of the
24 petition referred to in section 2(a) should not unneces-
25 sarily delay the review of the pending fully documented

- 1 petitions for recognition as an Indian tribe awaiting active
- 2 consideration as of the date of enactment of this Act.

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