

REV 1

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 31, AS REPORTED  
OFFERED BY MR. SHULER OF NORTH CAROLINA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. AUTHORITY TO PETITION FOR FEDERAL REC-  
2 OGNITION.**

3 (a) CONSIDERATION OF LUMBEE PETITION.—The  
4 Act of June 7, 1956 (70 Stat. 254), shall not be construed  
5 to constitute a bar to the consideration by the Secretary  
6 of the Interior of a petition of a group or organization  
7 representing the Lumbee Indians of Robeson and adjoining  
8 counties of North Carolina, the Lumbee Regional De-  
9 velopment Association, Inc., the Lumbee Tribe of Cheraw  
10 Indians, the Hatteras Tuscarora Indians, the Cherokee In-  
11 dians of Robeson and Adjoining Counties, the Cherokee  
12 Indians of Hoke County, Inc., or the Tuscarora Nation  
13 of North Carolina.

14 (b) RECOGNIZED GROUPS.—The Act of June 7,  
15 1956, shall not be construed to operate to deny any group  
16 or organization whose petition is approved by the Sec-  
17 retary on or after the date of the enactment of this Act  
18 any of the special programs or services provided by the

1 United States to Indian tribes and their members because  
2 of their status as Indians.

3 **SEC. 2. CONSIDERATION OF PETITION REQUESTING REC-**  
4 **OGNITION AS AN INDIAN TRIBE.**

5 (a) PROPOSED FINDING.—The Assistant Secretary of  
6 the Interior for Indian Affairs shall publish a proposed  
7 finding with respect to the petition for Federal recognition  
8 as an Indian tribe by the Secretary of the Interior pursu-  
9 ant to part 83 of title 25, Code of Federal Regulations,  
10 submitted by the Lumbee Regional Development Associa-  
11 tion on December 17, 1987, and subsequently supple-  
12 mented, not later than 18 months after the date on which  
13 the petitioner has fully responded to the notice of obvious  
14 deficiencies regarding that petition.

15 (b) NUMBER OF MEMBERS NOT A FACTOR.—The  
16 number of persons listed on the membership roll contained  
17 in the petition referred to in subsection (a) shall not be  
18 taken into account in considering such petition except that  
19 the Assistant Secretary may review the eligibility of indi-  
20 vidual members or groups listed in such petition in accord-  
21 ance with the provisions of part 83 of title 25, Code of  
22 Federal Regulations.

23 (c) REVIEW.—(1) If the Assistant Secretary fails to  
24 publish the proposed finding referred to in subsection (a)  
25 within the 18-month period referred to in such subsection,

1 the petitioner may treat such failure as final agency action  
2 refusing to recognize the petitioner as an Indian tribe and  
3 seek in Federal district court a determination of whether  
4 the petitioner should be recognized as an Indian tribe in  
5 accordance with the criteria specified in section 83.7 of  
6 title 25, Code of Federal Regulations.

7 (2) If the Assistant Secretary publishes a final deci-  
8 sion refusing to recognize the Indians seeking recognition  
9 under the petition referred to in subsection (a), the peti-  
10 tioner may, not later than one year after the date on which  
11 the final decision is published, seek in Federal district  
12 court a review of the decision, notwithstanding the avail-  
13 ability of other administrative remedies.

