

108TH CONGRESS  
1ST SESSION

# S. 420

To provide for the acknowledgment of the Lumbee Tribe of North Carolina,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2003

Mrs. DOLE introduced the following bill; which was read twice and referred  
to the Committee on Indian Affairs

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## A BILL

To provide for the acknowledgment of the Lumbee Tribe  
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 Acknowledg-  
5 ment Act of 2003”.

6 **SEC. 2. LUMBEE ACKNOWLEDGMENT.**

7 The Act of June 7, 1956 (70 Stat. 254, chapter 375),  
8 is amended to read as follows:

1 **“SECTION 1. SHORT TITLE.**

2 “This Act may be cited as the ‘Lumbee Acknowledg-  
3 ment Act’.

4 **“SEC. 2. FINDINGS.**

5 “Congress finds that—

6 “(1) many Indians living in Robeson County,  
7 North Carolina, and adjoining counties in the State  
8 are descendants of a once large and prosperous tribe  
9 that occupied the land along the Lumbee River at  
10 the time when the earliest European settlements  
11 were established in the area;

12 “(2) when the members of that tribe first made  
13 contact with the settlers, the members were a well-  
14 established and distinctive people living in Euro-  
15 pean-style houses, tilling the soil, owning slaves and  
16 livestock, and practicing many of the arts and crafts  
17 of European civilization;

18 “(3) tribal legend, a distinctive appearance and  
19 manner of speech, and the frequent recurrence  
20 among tribal members of family names (such as  
21 Bullard, Chavis, Drinkwater, Locklear, Lowery,  
22 Oxendine, and Sampson) that were found on the  
23 roster of the earliest English settlements, provide  
24 evidence that the Indians now living in the area may  
25 trace their ancestry back to both—

26 “(A) European settlers; and

1           “(B) certain coastal tribes of Indians in  
2           the State, principally the Cheraw Tribe;

3           “(4) the Lumbee Tribe has remained a distinct  
4           Indian community since European settlers first  
5           made contact with the community;

6           “(5) the members of the Tribe—

7           “(A) are naturally and understandably  
8           proud of their heritage; and

9           “(B) seek to establish their social status  
10          and preserve their ancestry;

11          “(6) the State has acknowledged the Lumbee  
12          Indians as an Indian tribe since 1885;

13          “(7) in 1956, Congress acknowledged the  
14          Lumbee Indians as an Indian tribe but withheld  
15          from the Tribe the benefits, privileges, and immuni-  
16          ties to which the Tribe and members of the Tribe  
17          would have been entitled by virtue of status as an  
18          acknowledged Indian tribe; and

19          “(8)(A) the Tribe is entitled to full Federal ac-  
20          knowledgment; and

21          “(B) the programs, services, and benefits that  
22          accompany that status should be extended to the  
23          Tribe and members of the Tribe.

24       **“SEC. 3. DEFINITIONS.**

25       “In this Act:

1           “(1) ACKNOWLEDGMENT.—The term ‘acknowl-  
2           edgment’ means acknowledgment by the United  
3           States that—

4                   “(A) an Indian group is an Indian tribe;

5                   and

6                   “(B) the members of the Indian group are  
7                   eligible for the programs, services, and benefits  
8                   (including privileges and immunities) provided  
9                   by the United States to members of Indian  
10                  tribes because of the status of those members  
11                  as Indians.

12           “(2) INDIAN.—The term ‘Indian’ means a  
13           member of an Indian tribe or Indian group.

14           “(3) INDIAN GROUP.—The term ‘Indian group’  
15           means any Indian band, pueblo, village, or commu-  
16           nity that is not acknowledged.

17           “(4) INDIAN TRIBE.—The term ‘Indian tribe’  
18           has the meaning given the term in section 4 of the  
19           Indian Self-Determination and Education Assistance  
20           Act (25 U.S.C. 450b).

21           “(5) SECRETARY.—The term ‘Secretary’ means  
22           the Secretary of the Interior.

23           “(6) SERVICE POPULATION.—The term ‘service  
24           population’ means the population of the Tribe eligi-  
25           ble to receive the programs, services, and benefits

1 described in section 5(a), as determined by the Sec-  
2 retary under section 5(c).

3 “(7) STATE.—The term ‘State’ means the State  
4 of North Carolina.

5 “(8) TRIBAL ROLL.—The term ‘tribal roll’  
6 means a list of individuals who have been deter-  
7 mined by the Tribe to meet the membership require-  
8 ments of the Tribe established in the constitution of  
9 the Tribe adopted November 11, 2000.

10 “(9) TRIBE.—The term ‘Tribe’ means the  
11 Lumbee Tribe of North Carolina, located in Robeson  
12 County, North Carolina, and adjoining counties in  
13 the State.

14 **“SEC. 4. ACKNOWLEDGMENT OF LUMBEE TRIBE.**

15 “(a) ACKNOWLEDGMENT.—

16 “(1) IN GENERAL.—The Tribe is acknowledged.

17 “(2) APPLICABLE LAW.—All laws (including  
18 regulations) of the United States of general applica-  
19 bility to Indians and Indian tribes shall apply to the  
20 Tribe and members of the Tribe.

21 “(b) PETITION.—Any Indian group located in Robe-  
22 son County, North Carolina (or any adjoining county), the  
23 members of which are not members of the Tribe as deter-  
24 mined by the Secretary under section 5(c), may submit  
25 to the Secretary a petition in accordance with part 83 of

1 title 25, Code of Federal Regulations (or a successor regu-  
2 lation), for acknowledgement.

3 **“SEC. 5. SERVICES.**

4 “(a) IN GENERAL.—Beginning on the date of enact-  
5 ment of this section, the Tribe and members of the Tribe  
6 are eligible for all programs, services, and benefits (includ-  
7 ing privileges and immunities) provided by the Federal  
8 Government to Indian tribes and members of Indian  
9 tribes.

10 “(b) RESERVATION.—

11 “(1) PROGRAMS, SERVICES, AND BENEFITS.—

12 For the purpose of providing any program, service,  
13 or benefit described in subsection (a) to the Tribe or  
14 a member of the Tribe, the Tribe, and any member  
15 of the Tribe residing in the county of Robeson,  
16 Cumberland, Hoke, or Scotland in the State, shall  
17 be considered to be residing on or near an Indian  
18 reservation.

19 “(2) FEDERAL LAW.—Beginning on the date of  
20 enactment of this section, Robeson County, North  
21 Carolina, shall be considered to be the reservation of  
22 the Tribe for the purpose of any Federal law appli-  
23 cable to the Tribe.

24 “(3) NO EFFECT ON FEE OWNERSHIP.—Noth-  
25 ing in this subsection affects the ownership status of

1 any fee land within the State, or the status of any  
2 right or easement in the State, in existence as of the  
3 date of enactment of this section.

4 “(c) DETERMINATION OF SERVICE POPULATION.—

5 “(1) IN GENERAL.—Not later than 1 year after  
6 the date of enactment of this section, the Secretary  
7 shall—

8 “(A) using the tribal roll in existence as of  
9 the date of enactment of this section, verify the  
10 population of the Tribe; and

11 “(B) determine the population of the Tribe  
12 eligible to receive the programs, services, and  
13 benefits described in subsection (a).

14 “(2) VERIFICATION.—The Secretary shall base  
15 a verification under paragraph (1)(A) only on a con-  
16 firmation of compliance of members of the Tribe  
17 with membership criteria established in the constitu-  
18 tion of the Tribe adopted November 11, 2000.

19 “(d) NEEDS OF TRIBE.—

20 “(1) IN GENERAL.—On determination of the  
21 service population, the Secretary and the Secretary  
22 of Health and Human Services shall develop, in con-  
23 sultation with the Tribe—

24 “(A) a determination of the needs of the  
25 Tribe; and

1           “(B) a recommended budget required to  
2           serve the Tribe.

3           “(2) SUBMISSION OF BUDGET REQUEST.—For  
4           each fiscal year after determination of the service  
5           population, the Secretary or the Secretary of Health  
6           and Human Services, as appropriate, shall submit to  
7           the President a recommended budget for programs,  
8           services, and benefits provided by the United States  
9           to members of the Tribe because of the status of  
10          those members as Indians (including funding rec-  
11          ommendations for the Tribe that are based on the  
12          determination and budget described in paragraph  
13          (1)) for inclusion in the annual budget submitted by  
14          the President to Congress in accordance with section  
15          1108 of title 31, United States Code.

16 **“SEC. 6. JURISDICTION.**

17          “(a) IN GENERAL.—Except as provided in subsection  
18 (b), the State shall exercise jurisdiction over all criminal  
19 offenses that are committed on, and all civil actions that  
20 arise on, land located in the State that is owned by, or  
21 held in trust by the United States for the benefit of, the  
22 Tribe or any member of the Tribe.

23          “(b) TRANSFER OF JURISDICTION.—

24                  “(1) IN GENERAL.—After consultation with the  
25                  Attorney General, the Secretary may accept, on be-



1 half of the United States, any transfer by the State  
2 to the United States of all or any portion of the ju-  
3 risdiction of the State described in subsection (a).

4 “(2) AGREEMENT.—A transfer of jurisdiction  
5 under paragraph (1)—

6 “(A) shall be subject to an agreement en-  
7 tered into by the Tribe and the State relating  
8 to the transfer; and

9 “(B) shall not take effect until at least 2  
10 years after the date on which the agreement is  
11 entered into.

12 “(c) NO EFFECT ON INDIAN CHILD WELFARE ACT  
13 AGREEMENTS.—Nothing in this section affects the appli-  
14 cation of section 109 of the Indian Child Welfare Act of  
15 1978 (25 U.S.C. 1919).

16 **“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated such sums  
18 as are necessary to carry out this Act.”.

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