

111TH CONGRESS
1ST SESSION

H. R. 31

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. MCINTYRE (for himself, Ms. BORDALLO, Mr. KISSELL, Mr. TOWNS, Mr. CLYBURN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BUTTERFIELD, Ms. KAPTUR, Mr. MILLER of North Carolina, Mr. ETHERIDGE, Mr. PETERSON, Mr. BECERRA, Mr. RYAN of Ohio, Mr. ABERCROMBIE, Mr. DELAHUNT, Mr. RAHALL, Ms. LORETTA SANCHEZ of California, Mr. ENGEL, Mr. VAN HOLLEN, Mr. HASTINGS of Florida, Ms. SUTTON, Mr. PRICE of North Carolina, Mr. PASTOR of Arizona, Mr. LARSON of Connecticut, Mr. HONDA, Mr. WU, and Mr. CUMMINGS) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the recognition 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 Recognition
5 Act”.

1 **SEC. 2. PREAMBLE.**

2 The preamble to the Act of June 7, 1956 (70 Stat.
3 254), is amended as follows:

4 (1) By striking “and” at the end of each clause.

5 (2) By striking “: Now, therefore,” at the end
6 of the last clause and inserting a semicolon.

7 (3) By adding at the end the following new
8 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 since 1885 the State of North Carolina has recog-
nized the Lumbee Indians as an Indian tribe;

“Whereas in 1956 the Congress of the United States ac-
knowledged the Lumbee Indians as an Indian tribe, but
withheld from the Lumbee Tribe the benefits, privileges
and immunities to which the Tribe and its members oth-
erwise would have been entitled by virtue of the Tribe’s
status as a federally recognized tribe; and

“Whereas the Congress finds that the Lumbee Indians should
now be entitled to full Federal recognition of their status
as an Indian tribe and that the benefits, privileges and
immunities that accompany such status should be ac-
corded to the Lumbee Tribe: Now, therefore,”.

9 **SEC. 3. FEDERAL RECOGNITION.**

10 The Act of June 7, 1956 (70 Stat. 254), is amended
11 as follows:

1 (1) By striking the last sentence of the first
2 section.

3 (2) By striking section 2 and inserting the fol-
4 lowing new sections:

5 “SEC. 2. (a) Federal recognition is hereby extended
6 to the Lumbee Tribe of North Carolina, as designated as
7 petitioner number 65 by the Office of Federal Acknowl-
8 edgement. All laws and regulations of the United States
9 of general application to Indians and Indian tribes shall
10 apply to the Lumbee Tribe of North Carolina and its
11 members.

12 “(b) Notwithstanding the first section, any group of
13 Indians in Robeson and adjoining counties, North Caro-
14 lina, whose members are not enrolled in the Lumbee Tribe
15 of North Carolina as determined under section 3(c), may
16 petition under part 83 of title 25 of the Code of Federal
17 Regulations for acknowledgement of tribal existence.

18 “SEC. 3. (a) The Lumbee Tribe of North Carolina
19 and its members shall be eligible for all services and bene-
20 fits provided to Indians because of their status as mem-
21 bers of a federally recognized tribe. For the purposes of
22 the delivery of such services, those members of the Tribe
23 residing in Robeson, Cumberland, Hoke, and Scotland
24 counties in North Carolina shall be deemed to be residing
25 on or near an Indian reservation.

1 “(b) Upon verification by the Secretary of the Inte-
2 rior of a tribal roll under subsection (c), the Secretary of
3 the Interior and the Secretary of Health and Human Serv-
4 ices shall develop, in consultation with the Lumbee Tribe
5 of North Carolina, a determination of needs and budget
6 to provide the services to which members of the Tribe are
7 eligible. The Secretary of the Interior and the Secretary
8 of Health and Human Services shall each submit a written
9 statement of such needs and budget to Congress after the
10 tribal roll is verified.

11 “(c) For purposes of the delivery of Federal services,
12 the tribal roll in effect on the date of the enactment of
13 this section shall, subject to verification by the Secretary
14 of the Interior, define the service population of the Tribe.
15 The Secretary’s verification shall be limited to confirming
16 compliance with the membership criteria set out in the
17 Tribe’s constitution adopted on November 16, 2001, which
18 verification shall be completed within 2 years after the
19 date of the enactment of this section.

20 “SEC. 4. (a) Fee lands which the Tribe seeks to con-
21 vey to the United States to be held in trust shall be treated
22 by the Secretary of the Interior as ‘on-reservation’ trust
23 acquisitions under part 151 of title 25 of the Code of Fed-
24 eral Regulations (or a successor regulation) if such lands
25 are located within Robeson County, North Carolina.

1 “(b) The tribe may not conduct gaming activities as
2 a matter of claimed inherent authority or under the au-
3 thority of any Federal law, including the Indian Gaming
4 Regulatory Act (25 U.S.C. 2701 et seq.) or under any reg-
5 ulations thereunder promulgated by the Secretary or the
6 National Indian Gaming Commission.

7 “SEC. 5. (a) The State of North Carolina shall exer-
8 cise jurisdiction over—

9 “(1) all criminal offenses that are committed
10 on; and

11 “(2) all civil actions that arise on, lands located
12 within the State of North Carolina that are owned
13 by, or held in trust by the United States for, the
14 Lumbee Tribe of North Carolina, or any dependent
15 Indian community of the Lumbee Tribe of North
16 Carolina.

17 “(b) The Secretary of the Interior is authorized to
18 accept on behalf of the United States, after consulting
19 with the Attorney General of the United States any trans-
20 fer by the State of North Carolina to the United States
21 of any portion of the jurisdiction of the State of North
22 Carolina described in paragraph (1) pursuant to an agree-
23 ment between the Lumbee Tribe and the State of North
24 Carolina. Such transfer of jurisdiction may not take effect
25 until 2 years after the effective date of the agreement.

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

4 “SEC. 6. There are authorized to be appropriated
5 such sums as are necessary to carry out this Act.”.

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