

Union Calendar No. 49

111TH CONGRESS
1ST SESSION

H. R. 31

[Report No. 111-103]

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

MAY 12, 2009

Additional sponsors: Mr. SKELTON, Mr. WATT, Ms. CLARKE, Mr. TIERNEY, Ms. MATSUI, Mr. ADERHOLT, Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. KUCINICH, Ms. WATERS, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Mr. WALZ, Mr. WILSON of Ohio, Ms. JACKSON-LEE of Texas, Mr. KANJORSKI, Mrs. BIGGERT, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mr. MEEKS of New York, Mr. CLAY, Mr. GONZALEZ, Mr. KILDEE, Ms. BALDWIN, Ms. DEGETTE, Mr. CLEAVER, Ms. RICHARDSON, Mr. LANGEVIN, Mr. INSLEE, Mr. OLVER, Mr. HINOJOSA, Mr. NADLER of New York, Ms. SHEA-PORTER, Ms. HIRONO, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. DAVIS of Alabama, Mr. AL GREEN of Texas, Mr. FILNER, Mr. SMITH of New Jersey, Mr. FATTAH, Mrs. MCCARTHY of New York, Mr. CAPUANO, Mr. DOGGETT, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. FALEOMAVAEGA, Mr. JACKSON of Illinois, Mr. HIGGINS, Mr. GRIJALVA, Mrs. LOWEY, Ms. ROYBAL-ALLARD, Mr. SPRATT, Mr. RODRIGUEZ, Mr.

RUSH, Mr. LARSEN of Washington, Mr. CUELLAR, Mr. PASCRELL, Ms. CASTOR of Florida, Mr. MARKEY of Massachusetts, Mr. REYES, Mr. RANGEL, Mr. SESTAK, Mr. ANDREWS, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOYD, Mrs. CAPPS, Mr. COOPER, Mr. HARE, Ms. HARMAN, Mr. HINCHEY, Mr. ISRAEL, Mr. MICHAUD, Mr. OBERSTAR, Mr. ORTIZ, Mrs. TAUSCHER, Ms. WOOLSEY, Ms. LEE of California, Mrs. CAPITO, Mr. SNYDER, Mr. COHEN, Mr. BAIRD, Mr. DEFazio, Mr. DOYLE, Mr. HOLDEN, Mr. MURTHA, Mr. SCHIFF, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MOORE of Kansas, Mr. EDWARDS of Texas, Mr. BROWN of South Carolina, Mr. YOUNG of Alaska, Mr. WEINER, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. ROTHMAN of New Jersey, Mr. WILSON of South Carolina, Mr. COBLE, Mr. BRADY of Texas, Ms. BERKLEY, Mr. WAXMAN, Mr. CARDOZA, Mr. PAYNE, Mr. MCGOVERN, Ms. WATSON, Mr. BISHOP of Utah, Mr. HOLT, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, Mr. DAVIS of Kentucky, Mr. LIPINSKI, Mr. PALLONE, Mr. LEVIN, Mr. RUPPERSBERGER, Ms. LINDA T. SÁNCHEZ of California, Mr. GUTIERREZ, Mr. MARCHANT, Mrs. MALONEY, Mr. GOHMERT, Mr. BERRY, Mr. SARBANES, Mr. MARSHALL, Mr. DICKS, Mr. THOMPSON of California, Mr. BRADY of Pennsylvania, Mr. SCOTT of Virginia, Mr. SMITH of Washington, Mr. McDERMOTT, Ms. KILPATRICK of Michigan, Mr. MITCHELL, Ms. SOLIS of California, Mr. DUNCAN, Mr. KIRK, Mrs. MILLER of Michigan, Ms. ESHOO, Mr. PLATTS, Mr. ACKERMAN, Mr. LINDER, Mr. CROWLEY, Mr. SMITH of Texas, Mr. CARNAHAN, Mr. MOLLOHAN, Mr. MORAN of Kansas, Mr. WALDEN, Mr. MEEK of Florida, Ms. MCCOLLUM, Mr. KIND, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. STARK, Ms. SLAUGHTER, and Mr. LATOURETTE

MAY 12, 2009

Deleted sponsor: Mr. MANZULLO (added February 4, 2009; deleted March 12, 2009)

MAY 12, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on January 6, 2009]

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”.*

6 **SEC. 2. PREAMBLE.**

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

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

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

12 (3) *By adding at the end the following new*
13 *clauses:*

“Whereas the Lumbee Indians of Robeson and adjoining coun-
ties in North Carolina are descendants of coastal North
Carolina Indian tribes, principally Cheraw, and have re-
mained 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 acknowl-
edged the Lumbee Indians as an Indian tribe, but withheld
from the Lumbee Tribe the benefits, privileges and immu-
nities to which the Tribe and its members otherwise would
have been entitled by virtue of the Tribe’s status as a feder-
ally 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 accorded to the Lumbee Tribe: Now, therefore,”.

1 **SEC. 3. FEDERAL RECOGNITION.**

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

4 *(1) By striking the last sentence of the first sec-*
5 *tion.*

6 *(2) By striking section 2 and inserting the fol-*
7 *lowing new sections:*

8 *“SEC. 2. (a) Federal recognition is hereby extended to*
9 *the Lumbee Tribe of North Carolina, as designated as peti-*
10 *tioner number 65 by the Office of Federal Acknowledgement.*
11 *All laws and regulations of the United States of general*
12 *application to Indians and Indian tribes shall apply to the*
13 *Lumbee Tribe of North Carolina and its members.*

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

20 *“SEC. 3. (a) The Lumbee Tribe of North Carolina and*
21 *its members shall be eligible for all services and benefits pro-*
22 *vided to Indians because of their status as members of a*
23 *federally recognized tribe. For the purposes of the delivery*

1 of such services, those members of the Tribe residing in
2 Robeson, Cumberland, Hoke, and Scotland counties in
3 North Carolina shall be deemed to be residing on or near
4 an Indian reservation.

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

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

23 “SEC. 4. (a) The Secretary may take land into trust
24 for the Lumbee Tribe pursuant to this Act. An application
25 to take land located within Robeson County, North Caro-

1 *lina, into trust under this section shall be treated by the*
2 *Secretary as an ‘on reservation’ trust acquisition under*
3 *part 151 of title 25, Code of Federal Regulation (or a suc-*
4 *cessor regulation).*

5 “(b) *The tribe may not conduct gaming activities as*
6 *a matter of claimed inherent authority or under the author-*
7 *ity of any Federal law, including the Indian Gaming Regu-*
8 *latory Act (25 U.S.C. 2701 et seq.) or under any regulations*
9 *thereunder promulgated by the Secretary or the National*
10 *Indian Gaming Commission.*

11 “SEC. 5. (a) *The State of North Carolina shall exercise*
12 *jurisdiction over—*

13 “(1) *all criminal offenses that are committed on;*
14 *and*

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

20 “(b) *The Secretary of the Interior is authorized to ac-*
21 *cept on behalf of the United States, after consulting with*
22 *the Attorney General of the United States, any transfer by*
23 *the State of North Carolina to the United States of any*
24 *portion of the jurisdiction of the State of North Carolina*
25 *described in subsection (a) pursuant to an agreement be-*

1 *tween the Lumbee Tribe and the State of North Carolina.*

2 *Such transfer of jurisdiction may not take effect until 2*

3 *years after the effective date of the agreement.*

4 *“(c) The provisions of this section shall not affect the*

5 *application of section 109 of the Indian Child Welfare Act*

6 *of 1978 (25 U.S.C. 1919).*

7 *“SEC. 6. There are authorized to be appropriated such*

8 *sums as are necessary to carry out this Act.”.*

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