

# Calendar No. 419

108TH CONGRESS  
1ST SESSION

# S. 420

**[Report No. 108-213]**

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 (for herself, Mr. EDWARDS, Mr. AKAKA, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mr. CRAPO, Mr. HATCH, Mr. INOUYE, Mr. McCAIN, Mr. McCONNELL, Ms. MIKULSKI, Mr. PRYOR, Mr. SMITH, Ms. SNOWE, and Mr. LOTT) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

NOVEMBER 25, 2003

Reported by Mr. CAMPBELL, with an amendment

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

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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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Lumbee Acknowled-  
3 ment Act of 2003".

4 **SEC. 2. LUMBEE ACKNOWLEDGMENT.**

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

7 **"SECTION 1. SHORT TITLE.**

8 "This Act may be cited as the 'Lumbee Acknowled-  
9 ment Act'.

10 **"SEC. 2. FINDINGS.**

11 "Congress finds that—

12 "(1) many Indians living in Robeson County,  
13 North Carolina, and adjoining counties in the State  
14 are descendants of a once large and prosperous tribe  
15 that occupied the land along the Lumbee River at  
16 the time when the earliest European settlements  
17 were established in the area;

18 "(2) when the members of that tribe first made  
19 contact with the settlers, the members were a well-  
20 established and distinctive people living in Euro-  
21 pean-style houses, tilling the soil, owning slaves and  
22 livestock, and practicing many of the arts and crafts  
23 of European civilization;

24 "(3) tribal legend, a distinctive appearance and  
25 manner of speech, and the frequent recurrence  
26 among tribal members of family names (such as

1      Bullard, Chavis, Drinkwater, Locklear, Lowery,  
2      Oxendine, and Sampson) that were found on the  
3      roster of the earliest English settlements, provide  
4      evidence that the Indians now living in the area may  
5      trace their ancestry back to both—

6                 “(A) European settlers; and

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

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

12                 “(5) the members of the Tribe—

13                 “(A) are naturally and understandably  
14     proud of their heritage; and

15                 “(B) seek to establish their social status  
16     and preserve their ancestry;

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

19                 “(7) in 1956, Congress acknowledged the  
20     Lumbee Indians as an Indian tribe but withheld  
21     from the Tribe the benefits, privileges, and immuni-  
22     ties to which the Tribe and members of the Tribe  
23     would have been entitled by virtue of status as an  
24     acknowledged Indian tribe; and

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

3           “(B) the programs, services, and benefits that  
4         accompany that status should be extended to the  
5         Tribe and members of the Tribe.

6         **“SEC. 3. DEFINITIONS.**

7           “In this Act:

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

11           “(A) an Indian group is an Indian tribe;  
12         and

13           “(B) the members of the Indian group are  
14         eligible for the programs, services, and benefits  
15         (including privileges and immunities) provided  
16         by the United States to members of Indian  
17         tribes because of the status of those members  
18         as Indians.

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

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

24           “(4) INDIAN TRIBE.—The term ‘Indian tribe’  
25         has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance  
2 Act (25 U.S.C. 450b).

3       **“(5) SECRETARY.**—The term ‘Secretary’ means  
4 the Secretary of the Interior.

5       **“(6) SERVICE POPULATION.**—The term ‘service

6 population’ means the population of the Tribe eligi-  
7 ble to receive the programs, services, and benefits  
8 described in section 5(a), as determined by the See-  
9 retary under section 5(e).

10       **“(7) STATE.**—The term ‘State’ means the State  
11 of North Carolina.

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

17       **“(9) TRIBE.**—The term ‘Tribe’ means the  
18 Lumbee Tribe of North Carolina, located in Robeson  
19 County, North Carolina, and adjoining counties in  
20 the State.

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

22       **“(a) ACKNOWLEDGMENT.**—

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

24       **“(2) APPLICABLE LAW.**—All laws (including  
25 regulations) of the United States of general applica-

1       bility to Indians and Indian tribes shall apply to the  
2       Tribe and members of the Tribe.

3       **“(b) PETITION.**—Any Indian group located in Robe-  
4       son County, North Carolina (or any adjoining county), the  
5       members of which are not members of the Tribe as deter-  
6       mined by the Secretary under section 5(e), may submit  
7       to the Secretary a petition in accordance with part 83 of  
8       title 25, Code of Federal Regulations (or a successor regu-  
9       lation), for acknowledgement.

10      **“SEC. 5. SERVICES.**

11       **“(a) IN GENERAL.**—Beginning on the date of enact-  
12       ment of this section, the Tribe and members of the Tribe  
13       are eligible for all programs, services, and benefits (includ-  
14       ing privileges and immunities) provided by the Federal  
15       Government to Indian tribes and members of Indian  
16       tribes.

17       **“(b) RESERVATION.**

18       **“(1) PROGRAMS, SERVICES, AND BENEFITS.**—  
19       For the purpose of providing any program, service,  
20       or benefit described in subsection (a) to the Tribe or  
21       a member of the Tribe, the Tribe, and any member  
22       of the Tribe residing in the county of Robeson,  
23       Cumberland, Hoke, or Scotland in the State, shall  
24       be considered to be residing on or near an Indian  
25       reservation.

1           “(2) FEDERAL LAW.—Beginning on the date of  
2       enactment of this section, Robeson County, North  
3       Carolina, shall be considered to be the reservation of  
4       the Tribe for the purpose of any Federal law appli-  
5       able to the Tribe.

6           “(3) NO EFFECT ON FEE OWNERSHIP.—Noth-  
7       ing in this subsection affects the ownership status of  
8       any fee land within the State, or the status of any  
9       right or easement in the State, in existence as of the  
10       date of enactment of this section.

11       “(e) DETERMINATION OF SERVICE POPULATION.—

12           “(1) IN GENERAL.—Not later than 1 year after  
13       the date of enactment of this section, the Secretary  
14       shall—

15           “(A) using the tribal roll in existence as of  
16       the date of enactment of this section, verify the  
17       population of the Tribe; and

18           “(B) determine the population of the Tribe  
19       eligible to receive the programs, services, and  
20       benefits described in subsection (a).

21           “(2) VERIFICATION.—The Secretary shall base  
22       a verification under paragraph (1)(A) only on a con-  
23       firmation of compliance of members of the Tribe  
24       with membership criteria established in the constitu-  
25       tion of the Tribe adopted November 11, 2000.

1       **“(d) NEEDS OF TRIBE.—**2           **“(1) IN GENERAL.—** On determination of the  
3       service population, the Secretary and the Secretary  
4       of Health and Human Services shall develop, in con-  
5       sultation with the Tribe—6           **“(A)** a determination of the needs of the  
7       Tribe; and8           **“(B)** a recommended budget required to  
9       serve the Tribe.10          **“(2) SUBMISSION OF BUDGET REQUEST.—** For  
11       each fiscal year after determination of the service  
12       population, the Secretary or the Secretary of Health  
13       and Human Services, as appropriate, shall submit to  
14       the President a recommended budget for programs,  
15       services, and benefits provided by the United States  
16       to members of the Tribe because of the status of  
17       those members as Indians (including funding re-  
18       ommendations for the Tribe that are based on the  
19       determination and budget described in paragraph  
20       (1)) for inclusion in the annual budget submitted by  
21       the President to Congress in accordance with section  
22       1108 of title 31, United States Code.23       **“SEC. 6. JURISDICTION.**24          **“(a) IN GENERAL.—** Except as provided in subsection  
25       (b), the State shall exercise jurisdiction over all criminal

1 offenses that are committed on, and all civil actions that  
2 arise on, land located in the State that is owned by, or  
3 held in trust by the United States for the benefit of, the  
4 Tribe or any member of the Tribe.

5       **“(b) TRANSFER OF JURISDICTION.—**

6           **“(1) IN GENERAL.—** After consultation with the  
7 Attorney General, the Secretary may accept, on be-  
8 half of the United States, any transfer by the State  
9 to the United States of all or any portion of the ju-  
10 risdiction of the State described in subsection (a).

11           **“(2) AGREEMENT.—** A transfer of jurisdiction  
12 under paragraph (1)—

13           **“(A) shall be subject to an agreement en-**  
14 **tered into by the Tribe and the State relating**  
15 **to the transfer, and**

16           **“(B) shall not take effect until at least 2**  
17 **years after the date on which the agreement is**  
18 **entered into.**

19           **“(e) NO EFFECT ON INDIAN CHILD WELFARE ACT**  
20 **AGREEMENTS.—** Nothing in this section affects the appli-  
21 cation of section 109 of the Indian Child Welfare Act of  
22 1978 (25 U.S.C. 1919).

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

24           **“There are authorized to be appropriated such sums**  
25 **as are necessary to carry out this Act.”.**

1 **SECTION 1. SHORT TITLE.**

2        *This Act may be cited as the “Lumbee Recognition  
3        Act”.*

4 **SEC. 2. PREAMBLE.**

5        *The preamble to the Act of June 7, 1956 (70 Stat. 254),*

6 *is amended—*

7            *(1) by striking “and” at the end of each clause;*

8            *(2) by striking “: Now, therefore,” at the end of  
9        the last clause and inserting a semicolon; and*

10          *(3) by adding at the end the following:*

“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 recognized the Lumbee Indians as an Indian tribe;

“Whereas in 1956 the Congress of the United States acknowledged 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 otherwise would have been entitled by virtue of the Tribe’s status as a federally recognized Indian 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 *(1) by striking the last sentence of the first sec-  
4 tion; and*5 *(2) by striking section 2 and inserting the fol-  
6 lowing:*7 **“SEC. 2. RECOGNITION.**8 *“(a) IN GENERAL.—Federal recognition is extended to  
9 the Lumbee Tribe of North Carolina. All laws and regula-  
10 tions of the United States of general application to Indians  
11 and Indian tribes shall apply to the Lumbee Tribe of North  
12 Carolina and its members.*13 *“(b) PETITION.—Notwithstanding the first section,  
14 any group of Indians in Robeson and adjoining counties,  
15 North Carolina, whose members are not enrolled in the  
16 Lumbee Tribe of North Carolina as determined under sec-  
17 tion 3(c), may petition under part 83 of title 25, Code of  
18 Federal Regulations (or any successor regulation) for ac-  
19 knowledgment of tribal existence.*20 **“SEC. 3. ELIGIBILITY FOR SERVICES AND BENEFITS.**21 *“(a) IN GENERAL.—*22 *“(1) SERVICES AND BENEFITS.—The Lumbee  
23 Tribe of North Carolina and its members shall be eli-  
24 gible for all services and benefits provided to Indians  
25 because of their status as members of a federally rec-  
26ognized Indian tribe.*

1           “(2) *RESIDENCE ON OR NEAR RESERVATION.*—

2           *For the purposes of the delivery of such services, mem-*  
3           *bers of the Tribe residing in Robeson, Cumberland,*  
4           *Hoke, and Scotland counties in North Carolina shall*  
5           *be deemed to be residing on or near an Indian res-*  
6           *ervation.*

7           “(b) *DETERMINATION OF NEEDS AND BUDGET.*—

8           “(1) *IN GENERAL.*—*On verification by the Sec-*  
9           *retary of the Interior of a tribal roll under subsection*  
10           *(c), the Secretary of the Interior and the Secretary of*  
11           *Health and Human Services shall develop, in con-*  
12           *sultation with the Lumbee Tribe of North Carolina, a*  
13           *determination of needs and budget to provide the serv-*  
14           *ices to which members of the Tribe are eligible.*

15           “(2) *INCLUSION IN BUDGET REQUEST.*—*The Sec-*  
16           *retary of the Interior and the Secretary of Health and*  
17           *Human Services shall each submit a written state-*  
18           *ment of those needs and a budget with the first budget*  
19           *request submitted to Congress after the fiscal year in*  
20           *which the tribal roll is verified.*

21           “(c) *TRIBAL ROLL.*—

22           “(1) *IN GENERAL.*—*For purposes of the delivery*  
23           *of Federal services, the tribal roll in effect on the date*  
24           *of enactment of this section shall, subject to*

1       *verification by the Secretary of the Interior, define the*  
2       *service population of the Tribe.*

3           “(2)        *VERIFICATION.—The Secretary’s*  
4       *verification shall be limited to confirming compliance*  
5       *with the membership criteria set out in the Tribe’s*  
6       *constitution adopted on November 11, 2000, which*  
7       *verification shall be completed not less than 1 year*  
8       *after the date of enactment of this section.*

9       **“SEC. 4. FEE LAND.**

10       *“Fee land that the Tribe seeks to convey to the United*  
11       *States to be held in trust shall be treated by the Secretary*  
12       *of the Interior as on-reservation trust acquisitions under*  
13       *part 151 of title 25 Code of Federal Regulations (or any*  
14       *successor regulation) if the land is located within Robeson*  
15       *County, North Carolina.*

16       **“SEC. 5. STATE JURISDICTION.**

17       *“(a) IN GENERAL.—The State of North Carolina shall*  
18       *exercise jurisdiction over—*

19           *“(1) all criminal offenses that are committed on;*  
20       *and*

21           *“(2) all civil actions that arise on;*  
22       *land located within the state of North Carolina that is*  
23       *owned by, or held in trust by the United States for, the*  
24       *Lumbee Tribe of North Carolina, or any dependent Indian*  
25       *community of the Lumbee Tribe of North Carolina.*

1       “(b) *TRANSFER.*—

2           “(1) *IN GENERAL.*—*The Secretary of the Interior*  
3       *may accept on behalf of the United States, after con-*  
4       *sulting with the Attorney General of the United*  
5       *States, any transfer by the State of North Carolina*  
6       *to the United States of any portion of the jurisdiction*  
7       *of the State of North Carolina described in paragraph*  
8       *(1) under an agreement between the Lumbee Tribe*  
9       *and the State of North Carolina.*

10          “(2) *EFFECTIVE DATE.*—*A transfer of jurisdiction*  
11       *under paragraph (1) shall not take effect until*  
12       *2 years after the effective date of the agreement.*

13          “(c) *EFFECT OF SECTION.*—*This section shall not af-*  
14       *flect the application of section 109 of the Indian Child Wel-*  
15       *fare Act of 1978 (25 U.S.C. 1919).*

16       **“SEC. 6. 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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