

109TH CONGRESS
1ST SESSION

H. R. 21

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. MCINTYRE (for himself and Mr. HAYES) introduced the following bill;
which was referred to the Committee on 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”.

6 **SEC. 2. PREAMBLE.**

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

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

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

3 (3) By adding at the end the following new
4 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,”.

5 **SEC. 3. FEDERAL RECOGNITION.**

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

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

10 (2) By striking section 2 and inserting the fol-
11 lowing new sections:

1 “SEC. 2. (a) Federal recognition is hereby extended
2 to the Lumbee Tribe of North Carolina. All laws and regu-
3 lations of the United States of general application to Indi-
4 ans and Indian tribes shall apply to the Lumbee Tribe
5 of North Carolina and its members.

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

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

20 “(b) Upon verification by the Secretary of the Inte-
21 rior of a tribal roll under subsection (c), the Secretary of
22 the Interior and the Secretary of Health and Human Serv-
23 ices shall develop, in consultation with the Lumbee Tribe
24 of North Carolina, a determination of needs and budget
25 to provide the services to which members of the Tribe are

1 eligible. The Secretary of the Interior and the Secretary
2 of Health and Human Services shall each submit a written
3 statement of such needs and budget with the first budget
4 request submitted to Congress after the fiscal year in
5 which the tribal roll is verified.

6 “(c) For purposes of the delivery of Federal services,
7 the tribal roll in effect on the date of the enactment of
8 this section shall, subject to verification by the Secretary
9 of the Interior, define the service population of the Tribe.
10 The Secretary’s verification shall be limited to confirming
11 compliance with the membership criteria set out in the
12 Tribe’s constitution adopted on November 11, 2000, which
13 verification shall be completed not less than 1 year after
14 the date of the enactment of this section.

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

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

23 “(1) all criminal offenses that are committed
24 on; and

1 “(2) all civil actions that arise on, lands located
2 within the State of North Carolina that are owned
3 by, or held in trust by the United States for, the
4 Lumbee Tribe of North Carolina, or any dependent
5 Indian community of the Lumbee Tribe of North
6 Carolina.

7 “(b) The Secretary of the Interior is authorized to
8 accept on behalf of the United States, after consulting
9 with the Attorney General of the United States any trans-
10 fer by the State of North Carolina to the United States
11 of any portion of the jurisdiction of the State of North
12 Carolina described in paragraph (1) pursuant to an agree-
13 ment between the Lumbee Tribe and the State of North
14 Carolina. Such transfer of jurisdiction may not take effect
15 until 2 years after the effective date of the agreement.

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

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

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