

Calendar No. 72

111TH CONGRESS
1ST SESSION**H. R. 31**

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2009

Received

JUNE 8, 2009

Read the first time

JUNE 9, 2009

Read the second time and placed on the calendar

AN ACT

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:

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

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

4 (3) By adding at the end the following new
5 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-
cording to the Lumbee Tribe: Now, therefore,”.

6 **SEC. 3. FEDERAL RECOGNITION.**

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

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

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

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

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

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

24 “(b) Upon verification by the Secretary of the Inte-
25 rior of a tribal roll under subsection (c), the Secretary of

1 the Interior and the Secretary of Health and Human Serv-
2 ices shall develop, in consultation with the Lumbee Tribe
3 of North Carolina, a determination of needs to provide the
4 services to which members of the Tribe are eligible. The
5 Secretary of the Interior and the Secretary of Health and
6 Human Services shall each submit a written statement of
7 such needs to Congress after the tribal roll is verified.

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

17 “SEC. 4. (a) The Secretary may take land into trust
18 for the Lumbee Tribe pursuant to this Act. An application
19 to take land located within Robeson County, North Caro-
20 lina, into trust under this section shall be treated by the
21 Secretary as an ‘on reservation’ trust acquisition under
22 part 151 of title 25, Code of Federal Regulation (or a suc-
23 cessor regulation).

24 “(b) The tribe may not conduct gaming activities as
25 a matter of claimed inherent authority or under the au-

1 thority of any Federal law, including the Indian Gaming
2 Regulatory Act (25 U.S.C. 2701 et seq.) or under any reg-
3 ulations thereunder promulgated by the Secretary or the
4 National Indian Gaming Commission.

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

7 “(1) all criminal offenses that are committed
8 on; and

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

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

1 “(c) The provisions of this section shall not affect the
2 application of section 109 of the Indian Child Welfare Act
3 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.”.

Passed the House of Representatives June 3, 2009.

Attest: LORRAINE C. MILLER,
Clerk.

Calendar No. 72

11TH CONGRESS
1ST Session

H. R. 31

AN ACT

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

JUNE 9, 2009

Read the second time and placed on the calendar