

## Calendar No. 256

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1735****[Report No. 111–116]**

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

---

## IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2009

Mr. BURR (for himself and Mrs. HAGAN) introduced the following bill; which  
was read twice and referred to the Committee on Indian Affairs

JANUARY 20, 2010

Reported by Mr. DORGAN, without amendment

---

**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           edgment. 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 acknowledgment 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 to provide the  
6 services to which members of the Tribe are eligible. The  
7 Secretary of the Interior and the Secretary of Health and  
8 Human Services shall each submit a written statement of  
9 such needs to Congress after the tribal roll is verified.

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

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

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 subsection (a) 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 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.”.



Calendar No. 256

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 1735**

[Report No. 111-116]

**A BILL**

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

JANUARY 20, 2010

Reported without amendment