

110TH CONGRESS
1ST SESSION

H. R. 65

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,*

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.
6 254), is amended as follows:

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

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

10 (3) By adding at the end the following new
11 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,”.

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
5 section.

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

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

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

21 “SEC. 3. (a) The Lumbee Tribe of North Carolina
22 and its members shall be eligible for all services and bene-
23 fits provided to Indians because of their status as mem-
24 bers of a federally recognized tribe. For the purposes of
25 the delivery of such services, those members of the Tribe
26 residing in Robeson, Cumberland, Hoke, and Scotland

1 counties in North Carolina shall be deemed to be residing
2 on or near an Indian reservation.

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

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

22 “SEC. 4. (a) Fee lands which the Tribe seeks to con-
23 vey to the United States to be held in trust shall be treated
24 by the Secretary of the Interior as ‘on-reservation’ trust
25 acquisitions under part 151 of title 25 of the Code of Fed-

1 eral Regulations (or a successor regulation) if such lands
2 are located within Robeson County, North Carolina.

3 “(b) The tribe may not conduct gaming activities as
4 a matter of claimed inherent authority or under the au-
5 thority of any Federal law, including the Indian Gaming
6 Regulatory Act (25 U.S.C. 2701 et seq.) or under any reg-
7 ulations thereunder promulgated by the Secretary or the
8 National Indian Gaming Commission.

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

11 “(1) all criminal offenses that are committed
12 on; and

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

19 “(b) The Secretary of the Interior is authorized to
20 accept on behalf of the United States, after consulting
21 with the Attorney General of the United States any trans-
22 fer by the State of North Carolina to the United States
23 of any portion of the jurisdiction of the State of North
24 Carolina described in paragraph (1) pursuant to an agree-
25 ment between the Lumbee Tribe and the State of North

1 Carolina. Such transfer of jurisdiction may not take effect
2 until 2 years after the effective date of the agreement.

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

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

Passed the House of Representatives June 7, 2007.

Attest:

Clerk.

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