

Union Calendar No. 99

110TH CONGRESS
1ST SESSION

H. R. 65

[Report No. 110-164]

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Mr. MCINTYRE (for himself, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. HAYES, Ms. HERSETH, Mr. HINCHEY, Mr. KILDEE, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, Mr. WATT, and Mr. RAHALL) introduced the following bill; which was referred to the Committee on Natural Resources

MAY 22, 2007

Additional sponsors: Mr. CONYERS, Mr. McDERMOTT, Mr. GEORGE MILLER of California, Mr. TOWNS, Mr. CLYBURN, Mr. FATTAH, Mr. RUPPERSBERGER, Mr. OLVER, Mr. PASTOR, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mrs. JONES of Ohio, Mr. HOYER, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mrs. BIGGERT, Mr. KUCINICH, Mr. EMANUEL, Mr. KANJORSKI, Mr. CLEAVER, Mr. PAYNE, Mr. MEEKS of New York, Mr. CARDOZA, Mr. DAVIS of Kentucky, Mr. MATHESON, Mr. RUSH, Mr. CUMMINGS, Ms. BORDALLO, Mr. TAYLOR, Mr. MEEHAN, Mrs. TAUSCHER, Ms. LORETTA SANCHEZ of California, Mr. ROSS, Mr. SKELTON, Mr. WU, Mr. CRAMER, Mr. BOYD of Florida, Mr. RANGEL, Mr. MARKEY, Ms. KILPATRICK, Ms. CORRINE BROWN of Florida, Ms. BALDWIN, Mr. FRANK of Massachusetts, Mr. LARSON of Connecticut, Mr. GRIJALVA, Mr. MORAN of Virginia, Mr. DOGGETT, Mr. TIERNEY, Mr. LYNCH, Mr. RYAN of Ohio, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. STUPAK, Mr. DOYLE, Mr. MARSHALL, Mr. DELAHUNT, Mr. GILCHREST, Mr. LINCOLN DAVIS of Tennessee, Mr. WEINER, Mr. UDALL of New Mexico, Mr. PETERSON of Minnesota, Ms. ROYBAL-ALLARD, Mr. NEAL of Massachusetts, Mr. DEFazio, Mr. LIPINSKI, Mr. KIND, Mr. MEEK of Florida, Mr. VAN HOLLEN, Mr. LARSEN of Washington, Mr. PALLONE, Ms. LINDA T. SANCHEZ of California, Ms. SCHWARTZ, Mr. CAPUANO, Mr. BLUMENAUER, Mr. SNYDER, Mr. BERRY, Mr. AKIN, Mr.

COOPER, Mr. SMITH of Washington, Mr. UDALL of Colorado, Mr. NADLER, Mr. COBLE, Mr. ENGLISH of Pennsylvania, Mr. PLATTS, Mr. BAIRD, Mr. GORDON, Mr. MOLLOHAN, Mr. GUTIERREZ, Mrs. MALONEY of New York, Mr. BRADY of Pennsylvania, Mr. WAXMAN, Mr. ALLEN, Mr. THOMPSON of Mississippi, Mr. DAVIS of Alabama, Mr. WYNN, Mr. JACKSON of Illinois, Ms. WATSON, Mr. MOORE of Kansas, Mr. MARIO DIAZ-BALART of Florida, Mr. HOLT, Mrs. McCARTHY of New York, Mr. RODRIGUEZ, Mr. REYES, Mr. HASTINGS of Florida, Mr. McNULTY, Mr. ABERCROMBIE, Mr. ORTIZ, Mr. ANDREWS, Mr. LANGEVIN, Mr. BECERRA, Mrs. CAPITO, Mr. EDWARDS, Mr. BRADY of Texas, Ms. SLAUGHTER, Mr. MCGOVERN, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. CUELLAR, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. NORTON, Ms. HARMAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CROWLEY, Mr. YOUNG of Alaska, Mr. PETERSON of Pennsylvania, Mr. LATOURETTE, Mr. KLINE of Minnesota, Mr. TANCREDO, Mr. LANTOS, Mr. LINDER, Mr. FRANKS of Arizona, Mr. CHABOT, Mr. BERMAN, Mr. THOMPSON of California, Mr. WILSON of South Carolina, Mr. SCHIFF, Mr. MURTHA, Mrs. CAPPS, Mr. WELDON of Florida, Mr. COSTA, Mr. MELANCON, Mr. ACKERMAN, Mr. LEVIN, Mr. DICKS, Mrs. LOWEY, Ms. LEE, Ms. CARSON, Ms. ESHOO, Ms. MCCOLLUM of Minnesota, Mr. FILNER, Mr. GONZALEZ, Mr. HONDA, Mr. MICHAUD, Mr. WALSH of New York, Mr. MORAN of Kansas, Ms. VELÁZQUEZ, Ms. PRYCE of Ohio, Mr. HUNTER, Mr. GARRETT of New Jersey, Mrs. CUBIN, Mr. WALDEN of Oregon, Mr. KNOLLENBERG, Mr. ENGEL, Ms. WATERS, Ms. HOOLEY, Mr. HINOJOSA, Ms. WOOLSEY, Mr. SHUSTER, Mr. LEWIS of Kentucky, Mr. AL GREEN of Texas, Mr. CHANDLER, Mr. HIGGINS, Mr. SALAZAR, Mr. BUTTERFIELD, Mr. SERRANO, Ms. MATSUI, Mr. ISRAEL, Mr. WHITFIELD, Ms. SCHAKOWSKY, Mr. PASCRELL, Mrs. MUSGRAVE, Mr. OBERSTAR, Mr. STARK, Mr. HALL of Texas, Ms. DEGETTE, Mr. HOLDEN, Mr. JEFFERSON, Mr. SMITH of Texas, Mr. EVERETT, Mr. KING of Iowa, Mr. MARCHANT, Mr. BROWN of South Carolina, Mr. WALZ of Minnesota, Mr. MITCHELL, Mr. FORTUÑO, Mrs. CHRISTENSEN, Mr. ALTMIRE, Mr. HILL, Mr. ADERHOLT, Ms. CASTOR, Mr. BACHUS, Mr. ALEXANDER, and Mr. SMITH of New Jersey

Deleted sponsors: Ms. HERSETH SANDLIN (added January 4, 2007; deleted April 25, 2007), Mr. COLE of Oklahoma (added January 10, 2007; deleted April 23, 2007), and Mr. TANNER (added January 16, 2007; deleted January 23, 2007)

MAY 22, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on January 4, 2007]

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. 254),*
8 *is amended as follows:*

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

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

12 (3) *By adding at the end the following new*
13 *clauses:*

“Whereas the Lumbee Indians of Robeson and adjoining coun-
ties in North Carolina are descendants of coastal North
Carolina Indian tribes, principally Cheraw, and have re-
mained 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 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 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 *as follows:*

4 (1) *By striking the last sentence of the first sec-*
5 *tion.*

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

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

14 “*(b) Notwithstanding the first section, any group of*
15 *Indians in Robeson and adjoining counties, North Caro-*
16 *lina, whose members are not enrolled in the Lumbee Tribe*
17 *of North Carolina as determined under section 3(c), may*

1 *petition under part 83 of title 25 of the Code of Federal*
2 *Regulations for acknowledgement of tribal existence.*

3 “*SEC. 3. (a) The Lumbee Tribe of North Carolina and*
4 *its members shall be eligible for all services and benefits pro-*
5 *vided to Indians because of their status as members of a*
6 *federally recognized tribe. For the purposes of the delivery*
7 *of such services, those members of the Tribe residing in*
8 *Robeson, Cumberland, Hoke, and Scotland counties in*
9 *North Carolina shall be deemed to be residing on or near*
10 *an Indian reservation.*

11 “*(b) Upon verification by the Secretary of the Interior*
12 *of a tribal roll under subsection (c), the Secretary of the*
13 *Interior and the Secretary of Health and Human Services*
14 *shall develop, in consultation with the Lumbee Tribe of*
15 *North Carolina, a determination of needs and budget to*
16 *provide the services to which members of the Tribe are eligi-*
17 *ble. The Secretary of the Interior and the Secretary of*
18 *Health and Human Services shall each submit a written*
19 *statement of such needs and budget to Congress after the*
20 *tribal roll is verified.*

21 “*(c) For purposes of the delivery of Federal services,*
22 *the tribal roll in effect on the date of the enactment of this*
23 *section shall, subject to verification by the Secretary of the*
24 *Interior, define the service population of the Tribe. The Sec-*
25 *retary’s verification shall be limited to confirming compli-*

1 *ance with the membership criteria set out in the Tribe's*
2 *constitution adopted on November 11, 2000, which*
3 *verification shall be completed not less than 2 years after*
4 *the date of the enactment of this section.*

5 “*SEC. 4. (a) Fee lands which the Tribe seeks to convey*
6 *to the United States to be held in trust shall be treated by*
7 *the Secretary of the Interior as ‘on-reservation’ trust acqui-*
8 *sitions under part 151 of title 25 of the Code of Federal*
9 *Regulations (or a successor regulation) if such lands are*
10 *located within Robeson County, North Carolina.*

11 “(b) *The tribe may not conduct gaming activities as*
12 *a matter of claimed inherent authority or under the author-*
13 *ity of any Federal law, including the Indian Gaming Regu-*
14 *latory Act (25 U.S.C. 2701 et seq.) or under any regulations*
15 *thereunder promulgated by the Secretary or the National*
16 *Indian Gaming Commission.*

17 “*SEC. 5. (a) The State of North Carolina shall exercise*
18 *jurisdiction over—*

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

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

1 “(b) *The Secretary of the Interior is authorized to ac-*
2 *cept on behalf of the United States, after consulting with*
3 *the Attorney General of the United States any transfer by*
4 *the State of North Carolina to the United States of any*
5 *portion of the jurisdiction of the State of North Carolina*
6 *described in paragraph (1) pursuant to an agreement be-*
7 *tween the Lumbee Tribe and the State of North Carolina.*
8 *Such transfer of jurisdiction may not take effect until 2*
9 *years after the effective date of the agreement.*

10 “(c) *The provisions of this subsection shall not affect*
11 *the application of section 109 of the Indian Child Welfare*
12 *Act of 1978 (25 U.S.C. 1919).*

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

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