

108TH CONGRESS
1ST SESSION

S. 420

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2003

Mrs. DOLE introduced the following bill; which was read twice and referred
to the Committee on Indian Affairs

A BILL

To provide for the acknowledgment 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 Acknowledg-
5 ment Act of 2003”.

6 **SEC. 2. LUMBEE ACKNOWLEDGMENT.**

7 The Act of June 7, 1956 (70 Stat. 254, chapter 375),
8 is amended to read as follows:

1 **“SECTION 1. SHORT TITLE.**

2 “This Act may be cited as the ‘Lumbee Acknowledg-
3 ment Act’.

4 **“SEC. 2. FINDINGS.**

5 “Congress finds that—

6 “(1) many Indians living in Robeson County,
7 North Carolina, and adjoining counties in the State
8 are descendants of a once large and prosperous tribe
9 that occupied the land along the Lumbee River at
10 the time when the earliest European settlements
11 were established in the area;

12 “(2) when the members of that tribe first made
13 contact with the settlers, the members were a well-
14 established and distinctive people living in Euro-
15 pean-style houses, tilling the soil, owning slaves and
16 livestock, and practicing many of the arts and crafts
17 of European civilization;

18 “(3) tribal legend, a distinctive appearance and
19 manner of speech, and the frequent recurrence
20 among tribal members of family names (such as
21 Bullard, Chavis, Drinkwater, Locklear, Lowery,
22 Oxendine, and Sampson) that were found on the
23 roster of the earliest English settlements, provide
24 evidence that the Indians now living in the area may
25 trace their ancestry back to both—

26 “(A) European settlers; and

1 “(B) certain coastal tribes of Indians in
2 the State, principally the Cheraw Tribe;

3 “(4) the Lumbee Tribe has remained a distinct
4 Indian community since European settlers first
5 made contact with the community;

6 “(5) the members of the Tribe—

7 “(A) are naturally and understandably
8 proud of their heritage; and

9 “(B) seek to establish their social status
10 and preserve their ancestry;

11 “(6) the State has acknowledged the Lumbee
12 Indians as an Indian tribe since 1885;

13 “(7) in 1956, Congress acknowledged the
14 Lumbee Indians as an Indian tribe but withheld
15 from the Tribe the benefits, privileges, and immuni-
16 ties to which the Tribe and members of the Tribe
17 would have been entitled by virtue of status as an
18 acknowledged Indian tribe; and

19 “(8)(A) the Tribe is entitled to full Federal ac-
20 knowledgment; and

21 “(B) the programs, services, and benefits that
22 accompany that status should be extended to the
23 Tribe and members of the Tribe.

24 **“SEC. 3. DEFINITIONS.**

25 “In this Act:

1 “(1) ACKNOWLEDGMENT.—The term ‘acknowl-
2 edgment’ means acknowledgment by the United
3 States that—

4 “(A) an Indian group is an Indian tribe;

5 and

6 “(B) the members of the Indian group are
7 eligible for the programs, services, and benefits
8 (including privileges and immunities) provided
9 by the United States to members of Indian
10 tribes because of the status of those members
11 as Indians.

12 “(2) INDIAN.—The term ‘Indian’ means a
13 member of an Indian tribe or Indian group.

14 “(3) INDIAN GROUP.—The term ‘Indian group’
15 means any Indian band, pueblo, village, or commu-
16 nity that is not acknowledged.

17 “(4) INDIAN TRIBE.—The term ‘Indian tribe’
18 has the meaning given the term in section 4 of the
19 Indian Self-Determination and Education Assistance
20 Act (25 U.S.C. 450b).

21 “(5) SECRETARY.—The term ‘Secretary’ means
22 the Secretary of the Interior.

23 “(6) SERVICE POPULATION.—The term ‘service
24 population’ means the population of the Tribe eligi-
25 ble to receive the programs, services, and benefits

1 described in section 5(a), as determined by the Sec-
2 retary under section 5(c).

3 “(7) STATE.—The term ‘State’ means the State
4 of North Carolina.

5 “(8) TRIBAL ROLL.—The term ‘tribal roll’
6 means a list of individuals who have been deter-
7 mined by the Tribe to meet the membership require-
8 ments of the Tribe established in the constitution of
9 the Tribe adopted November 11, 2000.

10 “(9) TRIBE.—The term ‘Tribe’ means the
11 Lumbee Tribe of North Carolina, located in Robeson
12 County, North Carolina, and adjoining counties in
13 the State.

14 **“SEC. 4. ACKNOWLEDGMENT OF LUMBEE TRIBE.**

15 “(a) ACKNOWLEDGMENT.—

16 “(1) IN GENERAL.—The Tribe is acknowledged.

17 “(2) APPLICABLE LAW.—All laws (including
18 regulations) of the United States of general applica-
19 bility to Indians and Indian tribes shall apply to the
20 Tribe and members of the Tribe.

21 “(b) PETITION.—Any Indian group located in Robe-
22 son County, North Carolina (or any adjoining county), the
23 members of which are not members of the Tribe as deter-
24 mined by the Secretary under section 5(c), may submit
25 to the Secretary a petition in accordance with part 83 of

1 title 25, Code of Federal Regulations (or a successor regu-
 2 lation), for acknowledgement.

3 **“SEC. 5. SERVICES.**

4 “(a) IN GENERAL.—Beginning on the date of enact-
 5 ment of this section, the Tribe and members of the Tribe
 6 are eligible for all programs, services, and benefits (includ-
 7 ing privileges and immunities) provided by the Federal
 8 Government to Indian tribes and members of Indian
 9 tribes.

10 “(b) RESERVATION.—

11 “(1) PROGRAMS, SERVICES, AND BENEFITS.—

12 For the purpose of providing any program, service,
 13 or benefit described in subsection (a) to the Tribe or
 14 a member of the Tribe, the Tribe, and any member
 15 of the Tribe residing in the county of Robeson,
 16 Cumberland, Hoke, or Scotland in the State, shall
 17 be considered to be residing on or near an Indian
 18 reservation.

19 “(2) FEDERAL LAW.—Beginning on the date of
 20 enactment of this section, Robeson County, North
 21 Carolina, shall be considered to be the reservation of
 22 the Tribe for the purpose of any Federal law appli-
 23 cable to the Tribe.

24 “(3) NO EFFECT ON FEE OWNERSHIP.—Noth-
 25 ing in this subsection affects the ownership status of

1 any fee land within the State, or the status of any
2 right or easement in the State, in existence as of the
3 date of enactment of this section.

4 “(c) DETERMINATION OF SERVICE POPULATION.—

5 “(1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this section, the Secretary
7 shall—

8 “(A) using the tribal roll in existence as of
9 the date of enactment of this section, verify the
10 population of the Tribe; and

11 “(B) determine the population of the Tribe
12 eligible to receive the programs, services, and
13 benefits described in subsection (a).

14 “(2) VERIFICATION.—The Secretary shall base
15 a verification under paragraph (1)(A) only on a con-
16 firmation of compliance of members of the Tribe
17 with membership criteria established in the constitu-
18 tion of the Tribe adopted November 11, 2000.

19 “(d) NEEDS OF TRIBE.—

20 “(1) IN GENERAL.—On determination of the
21 service population, the Secretary and the Secretary
22 of Health and Human Services shall develop, in con-
23 sultation with the Tribe—

24 “(A) a determination of the needs of the
25 Tribe; and

1 “(B) a recommended budget required to
2 serve the Tribe.

3 “(2) SUBMISSION OF BUDGET REQUEST.—For
4 each fiscal year after determination of the service
5 population, the Secretary or the Secretary of Health
6 and Human Services, as appropriate, shall submit to
7 the President a recommended budget for programs,
8 services, and benefits provided by the United States
9 to members of the Tribe because of the status of
10 those members as Indians (including funding rec-
11 ommendations for the Tribe that are based on the
12 determination and budget described in paragraph
13 (1)) for inclusion in the annual budget submitted by
14 the President to Congress in accordance with section
15 1108 of title 31, United States Code.

16 **“SEC. 6. JURISDICTION.**

17 “(a) IN GENERAL.—Except as provided in subsection
18 (b), the State shall exercise jurisdiction over all criminal
19 offenses that are committed on, and all civil actions that
20 arise on, land located in the State that is owned by, or
21 held in trust by the United States for the benefit of, the
22 Tribe or any member of the Tribe.

23 “(b) TRANSFER OF JURISDICTION.—

24 “(1) IN GENERAL.—After consultation with the
25 Attorney General, the Secretary may accept, on be-

1 half of the United States, any transfer by the State
2 to the United States of all or any portion of the ju-
3 risdiction of the State described in subsection (a).

4 “(2) AGREEMENT.—A transfer of jurisdiction
5 under paragraph (1)—

6 “(A) shall be subject to an agreement en-
7 tered into by the Tribe and the State relating
8 to the transfer; and

9 “(B) shall not take effect until at least 2
10 years after the date on which the agreement is
11 entered into.

12 “(c) NO EFFECT ON INDIAN CHILD WELFARE ACT
13 AGREEMENTS.—Nothing in this section affects the appli-
14 cation of section 109 of the Indian Child Welfare Act of
15 1978 (25 U.S.C. 1919).

16 **“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated such sums
18 as are necessary to carry out this Act.”.

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