

Union Calendar No.

116TH CONGRESS
2^D SESSION

H. R. 1964

[Report No. 116-]

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2019

Mr. BUTTERFIELD (for himself and Mr. HUDSON) introduced the following
bill; which was referred to the Committee on Natural Resources

NOVEMBER --, 2020

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 March 28, 2019]

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 Tribe of North*
5 *Carolina Recognition Act”.*

6 **SEC. 2. FEDERAL RECOGNITION.**

7 *The Act of June 7, 1956 (70 Stat. 254, chapter 375),*
8 *is amended—*

9 *(1) by striking section 2;*

10 *(2) in the first sentence of the first section, by*
11 *striking “That the Indians” and inserting the fol-*
12 *lowing:*

13 **“SEC. 3. DESIGNATION OF LUMBEE INDIANS.**

14 *“The Indians”;*

15 *(3) in the preamble—*

16 *(A) by inserting before the first undesig-*
17 *nated clause the following:*

18 **“SECTION 1. FINDINGS.**

19 *“Congress finds that—”;*

20 *(B) by designating the undesignated clauses*
21 *as paragraphs (1) through (4), respectively, and*
22 *indenting appropriately;*

23 *(C) by striking “Whereas” each place it ap-*
24 *pears;*

1 (D) by striking “and” after the semicolon at
2 the end of each of paragraphs (1) and (2) (as so
3 designated); and

4 (E) in paragraph (4) (as so designated), by
5 striking “: Now, therefore,” and inserting a pe-
6 riod;

7 (4) by moving the enacting clause so as to ap-
8 pear before section 1 (as so designated);

9 (5) by striking the last sentence of section 3 (as
10 designated by paragraph (2));

11 (6) by inserting before section 3 (as designated
12 by paragraph (2)) the following:

13 **“SEC. 2. DEFINITIONS.**

14 *“In this Act:*

15 “(1) *SECRETARY.—The term ‘Secretary’ means*
16 *the Secretary of the Interior.*

17 “(2) *TRIBE.—The term ‘Tribe’ means the*
18 *Lumbee Tribe of North Carolina or the Lumbee Indi-*
19 *ans of North Carolina.”; and*

20 (7) by adding at the end the following:

21 **“SEC. 4. FEDERAL RECOGNITION.**

22 “(a) *IN GENERAL.—Federal recognition is extended to*
23 *the Tribe (as designated as petitioner number 65 by the Of-*
24 *fice of Federal Acknowledgment).*

1 “(b) *APPLICABILITY OF LAWS.*—All laws and regula-
2 tions of the United States of general application to Indians
3 and Indian tribes shall apply to the Tribe and its members.

4 “(c) *PETITION FOR ACKNOWLEDGMENT.*—Notwith-
5 standing section 3, any group of Indians in Robeson and
6 adjoining counties, North Carolina, whose members are not
7 enrolled in the Tribe (as determined under section 5(d))
8 may petition under part 83 of title 25 of the Code of Federal
9 Regulations for acknowledgment of tribal existence.

10 **“SEC. 5. ELIGIBILITY FOR FEDERAL SERVICES.**

11 “(a) *IN GENERAL.*—The Tribe and its members shall
12 be eligible for all services and benefits provided by the Fed-
13 eral Government to federally recognized Indian tribes.

14 “(b) *SERVICE AREA.*—For the purpose of the delivery
15 of Federal services and benefits described in subsection (a),
16 those members of the Tribe residing in Robeson, Cum-
17 berland, Hoke, and Scotland counties in North Carolina
18 shall be deemed to be residing on or near an Indian reserva-
19 tion.

20 “(c) *DETERMINATION OF NEEDS.*—On verification by
21 the Secretary of a tribal roll under subsection (d), the Sec-
22 retary and the Secretary of Health and Human Services
23 shall—

1 “(1) develop, in consultation with the Tribe, a
2 determination of needs to provide the services for
3 which members of the Tribe are eligible; and

4 “(2) after the tribal roll is verified, each submit
5 to Congress a written statement of those needs.

6 “(d) TRIBAL ROLL.—

7 “(1) IN GENERAL.—For purpose of the delivery
8 of Federal services and benefits described in sub-
9 section (a), the tribal roll in effect on the date of en-
10 actment of this section shall, subject to verification by
11 the Secretary, define the service population of the
12 Tribe.

13 “(2) VERIFICATION LIMITATION AND DEAD-
14 LINE.—The verification by the Secretary under para-
15 graph (1) shall—

16 “(A) be limited to confirming documentary
17 proof of compliance with the membership criteria
18 set out in the constitution of the Tribe adopted
19 on November 16, 2001; and

20 “(B) be completed not later than 2 years
21 after the submission of a digitized roll with sup-
22 porting documentary proof by the Tribe to the
23 Secretary.

1 **“SEC. 6. AUTHORIZATION TO TAKE LAND INTO TRUST.**

2 “(a) *IN GENERAL.*—Notwithstanding any other provi-
3 sion of law, the Secretary is hereby authorized to take land
4 into trust for the benefit of the Tribe.

5 “(b) *TREATMENT OF CERTAIN LAND.*—An application
6 to take into trust land located within Robeson County,
7 North Carolina, under this section shall be treated by the
8 Secretary as an ‘on reservation’ trust acquisition under
9 part 151 of title 25, Code of Federal Regulations (or a suc-
10 cessor regulation).

11 **“SEC. 7. JURISDICTION OF STATE OF NORTH CAROLINA.**

12 “(a) *IN GENERAL.*—With respect to land located with-
13 in the State of North Carolina that is owned by, or held
14 in trust by the United States for the benefit of, the Tribe,
15 or any dependent Indian community of the Tribe, the State
16 of North Carolina shall exercise jurisdiction over—

17 “(1) *all criminal offenses that are committed;*
18 *and*

19 “(2) *all civil actions that arise.*

20 “(b) *TRANSFER OF JURISDICTION.*—

21 “(1) *IN GENERAL.*—Subject to paragraph (2), the
22 Secretary may accept on behalf of the United States,
23 after consulting with the Attorney General of the
24 United States, any transfer by the State of North
25 Carolina to the United States of any portion of the
26 jurisdiction of the State of North Carolina described

1 *in subsection (a) over Indian country occupied by the*
2 *Tribe pursuant to an agreement between the Tribe*
3 *and the State of North Carolina.*

4 “(2) *RESTRICTION.*—*A transfer of jurisdiction*
5 *described in paragraph (1) may not take effect until*
6 *2 years after the effective date of the agreement de-*
7 *scribed in that paragraph.*

8 “(c) *EFFECT.*—*Nothing in this section affects the ap-*
9 *plication of section 109 of the Indian Child Welfare Act*
10 *of 1978 (25 U.S.C. 1919).*

11 **“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

12 “*There are authorized to be appropriated such sums*
13 *as are necessary to carry out this Act.*

14 **“SEC. 9. SHORT TITLE.**

15 “*This Act may be cited as the ‘Lumbee Tribe of North*
16 *Carolina Recognition Act’.*”.