

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1964
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Lumbee Recognition
3 Act”.

4 SEC. 2. FEDERAL RECOGNITION.

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

7 (1) by striking section 2;

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

11 “SEC. 3. DESIGNATION OF LUMBEE INDIANS.

12 “The Indians”;

13 (3) in the preamble—

14 (A) by inserting before the first undesig-
15 nated clause the following:

16 “SECTION 1. FINDINGS.

17 “Congress finds that—”;

1 (B) by designating the undesignated
2 clauses as paragraphs (1) through (4), respec-
3 tively, and indenting appropriately;

4 (C) by striking “Whereas” each place it
5 appears;

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

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

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

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

16 (6) by inserting before section 3 (as designated
17 by paragraph (2)) the following:

18 **“SEC. 2. DEFINITIONS.**

19 “In this Act:

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

22 “(2) TRIBE.—The term ‘Tribe’ means the
23 Lumbee Tribe of North Carolina or the Lumbee In-
24 dians of North Carolina.”; and

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

1 **“SEC. 4. FEDERAL RECOGNITION.**

2 “(a) IN GENERAL.—Federal recognition is extended
3 to the Tribe (as designated as petitioner number 65 by
4 the Office of Federal Acknowledgment).

5 “(b) APPLICABILITY OF LAWS.—All laws and regula-
6 tions of the United States of general application to Indi-
7 ans and Indian tribes shall apply to the Tribe and its
8 members.

9 “(c) PETITION FOR ACKNOWLEDGMENT.—Notwith-
10 standing section 3, any group of Indians in Robeson and
11 adjoining counties, North Carolina, whose members are
12 not enrolled in the Tribe (as determined under section
13 5(d)) may petition under part 83 of title 25 of the Code
14 of Federal Regulations for acknowledgment of tribal exist-
15 ence.

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

17 “(a) IN GENERAL.—The Tribe and its members shall
18 be eligible for all services and benefits provided by the
19 Federal Government to federally recognized Indian tribes.

20 “(b) SERVICE AREA.—For the purpose of the delivery
21 of Federal services and benefits described in subsection
22 (a), those members of the Tribe residing in Robeson, Cum-
23 berland, Hoke, and Scotland counties in North Carolina
24 shall be deemed to be residing on or near an Indian res-
25 ervation.

1 “(c) DETERMINATION OF NEEDS.—On verification
2 by the Secretary of a tribal roll under subsection (d), the
3 Secretary and the Secretary of Health and Human Serv-
4 ices shall—

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

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

10 “(d) TRIBAL ROLL.—

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

17 “(2) VERIFICATION LIMITATION AND DEAD-
18 LINE.—The verification by the Secretary under
19 paragraph (1) shall—

20 “(A) be limited to confirming documentary
21 proof of compliance with the membership cri-
22 teria set out in the constitution of the Tribe
23 adopted on November 16, 2001; and

24 “(B) be completed not later than 2 years
25 after the submission of a digitized roll with sup-

1 porting documentary proof by the Tribe to the
2 Secretary.

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

4 “(a) IN GENERAL.—Notwithstanding any other pro-
5 vision of law, the Secretary is hereby authorized to take
6 land into trust for the benefit of the Tribe.

7 “(b) TREATMENT OF CERTAIN LAND.—An applica-
8 tion to take into trust land located within Robeson Coun-
9 ty, North Carolina, under this section shall be treated by
10 the Secretary as an ‘on reservation’ trust acquisition
11 under part 151 of title 25, Code of Federal Regulations
12 (or a successor regulation).

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

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

20 “(1) all criminal offenses that are committed;
21 and

22 “(2) all civil actions that arise.

23 **“(b) TRANSFER OF JURISDICTION.—**

24 “(1) IN GENERAL.—Subject to paragraph (2),
25 the Secretary may accept on behalf of the United

1 States, after consulting with the Attorney General of
2 the United States, any transfer by the State of
3 North Carolina to the United States of any portion
4 of the jurisdiction of the State of North Carolina de-
5 scribed in subsection (a) over Indian country occu-
6 pied by the Tribe pursuant to an agreement between
7 the Tribe and the State of North Carolina.

8 “(2) RESTRICTION.—A transfer of jurisdiction
9 described in paragraph (1) may not take effect until
10 2 years after the effective date of the agreement de-
11 scribed in that paragraph.

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

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

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

