Union Calendar No.

116TH CONGRESS 2D 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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lumbee Tribe of North
Carolina Recognition Act”.

SEC. 2. FEDERAL RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254, chapter 375),
is amended—
(1) by striking section 2;
(2) in the first sentence of the first section, by
striking “That the Indians” and inserting the fol-
lowing:

“SEC. 3. DESIGNATION OF LUMBEE INDIANS.

“The Indians”;
(3) in the preamble—
(A) by inserting before the first undesig-
nated clause the following:

“SECTION 1. FINDINGS.

“Congress finds that”—”;
(B) by designating the undesignated clauses
as paragraphs (1) through (4), respectively, and
indenting appropriately;
(C) by striking “Whereas” each place it ap-
pers;
(D) by striking “and” after the semicolon at the end of each of paragraphs (1) and (2) (as so designated); and

(E) in paragraph (4) (as so designated), by striking “: Now, therefore,” and inserting a period;

(4) by moving the enacting clause so as to appear before section 1 (as so designated);

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

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

“SEC. 2. DEFINITIONS.

“In this Act:

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

“(2) TRIBE.—The term ‘Tribe’ means the Lumbee Tribe of North Carolina or the Lumbee Indians of North Carolina.”; and

(7) by adding at the end the following:

“SEC. 4. FEDERAL RECOGNITION.

“(a) IN GENERAL.—Federal recognition is extended to the Tribe (as designated as petitioner number 65 by the Office of Federal Acknowledgment).
“(b) **APPLICABILITY OF LAWS.**—All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Tribe and its members.

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

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

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

“(b) **SERVICE AREA.**—For the purpose of the delivery of Federal services and benefits described in subsection (a), those members of the Tribe residing in Robeson, Cumberland, Hoke, and Scotland counties in North Carolina shall be deemed to be residing on or near an Indian reservation.

“(c) **DETERMINATION OF NEEDS.**—On verification by the Secretary of a tribal roll under subsection (d), the Secretary and the Secretary of Health and Human Services shall—
“(1) develop, in consultation with the Tribe, a
determination of needs to provide the services for
which members of the Tribe are eligible; and

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

“(d) TRIBAL ROLL.—

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

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

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

“(B) be completed not later than 2 years
after the submission of a digitized roll with sup-
porting documentary proof by the Tribe to the
Secretary.
“SEC. 6. AUTHORIZATION TO TAKE LAND INTO TRUST.

“(a) In General.—Notwithstanding any other provision of law, the Secretary is hereby authorized to take land into trust for the benefit of the Tribe.

“(b) Treatment of Certain Land.—An application to take into trust land located within Robeson County, North Carolina, under this section shall be treated by the Secretary as an ‘on reservation’ trust acquisition under part 151 of title 25, Code of Federal Regulations (or a successor regulation).

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

“(a) In General.—With respect to land located within the State of North Carolina that is owned by, or held in trust by the United States for the benefit of, the Tribe, or any dependent Indian community of the Tribe, the State of North Carolina shall exercise jurisdiction over—

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

“(2) all civil actions that arise.

“(b) Transfer of Jurisdiction.—

“(1) In General.—Subject to paragraph (2), the Secretary may accept on behalf of the United States, after consulting with the Attorney General of the United States, any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described
in subsection (a) over Indian country occupied by the Tribe pursuant to an agreement between the Tribe and the State of North Carolina.

“(2) RESTRICTION.—A transfer of jurisdiction described in paragraph (1) may not take effect until 2 years after the effective date of the agreement described in that paragraph.


“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

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

“SEC. 9. SHORT TITLE.

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