

116TH CONGRESS 1ST SESSION H.R. 1964

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

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. FEDERAL RECOGNITION.
- 7 The Act of June 7, 1956 (70 Stat. 254, chapter 375),
- 8 is amended—
- 9 (1) by striking section 2;

1	(2) in the first sentence of the first section, by
2	striking "That the Indians" and inserting the fol-
3	lowing:
4	"SEC. 3. DESIGNATION OF LUMBEE INDIANS.
5	"The Indians";
6	(3) in the preamble—
7	(A) by inserting before the first undesig-
8	nated clause the following:
9	"SECTION 1. FINDINGS.
10	"Congress finds that—";
11	(B) by designating the undesignated
12	clauses as paragraphs (1) through (4), respec-
13	tively, and indenting appropriately;
14	(C) by striking "Whereas" each place it
15	appears;
16	(D) by striking "and" after the semicolon
17	at the end of each of paragraphs (1) and (2)
18	(as so designated); and
19	(E) in paragraph (4) (as so designated), by
20	striking ": Now, therefore," and inserting a pe-
21	riod;
22	(4) by moving the enacting clause so as to ap-
23	pear before section 1 (as so designated);
24	(5) by striking the last sentence of section 3 (as
25	designated by paragraph (2));

- (6) by inserting before section 3 (as designated
 by paragraph (2)) the following:
 "SEC. 2. DEFINITIONS.
- 4 "In this Act:
- 5 "(1) Secretary.—The term 'Secretary' means
- 6 the Secretary of the Interior.
- 7 "(2) Tribe.—The term 'Tribe' means the
- 8 Lumbee Tribe of North Carolina or the Lumbee In-
- 9 dians of North Carolina."; and
- 10 (7) by adding at the end the following:
- 11 "SEC. 4. FEDERAL RECOGNITION.
- 12 "(a) In General.—Federal recognition is extended
- 13 to the Tribe (as designated as petitioner number 65 by
- 14 the Office of Federal Acknowledgment).
- 15 "(b) APPLICABILITY OF LAWS.—All laws and regula-
- 16 tions of the United States of general application to Indi-
- 17 ans and Indian tribes shall apply to the Tribe and its
- 18 members.
- 19 "(c) Petition for Acknowledgment.—Notwith-
- 20 standing section 3, any group of Indians in Robeson and
- 21 adjoining counties, North Carolina, whose members are
- 22 not enrolled in the Tribe (as determined under section
- 23 5(d)) may petition under part 83 of title 25 of the Code
- 24 of Federal Regulations for acknowledgment of tribal exist-
- 25 ence.

1 "SEC. 5. ELIGIBILITY FOR FEDERAL SERVICES.

2	"(a) In General.—The Tribe and its members shall
3	be eligible for all services and benefits provided by the
4	Federal Government to federally recognized Indian tribes.
5	"(b) Service Area.—For the purpose of the delivery
6	of Federal services and benefits described in subsection
7	(a), those members of the Tribe residing in Robeson, Cum-
8	berland, Hoke, and Scotland counties in North Carolina
9	shall be deemed to be residing on or near an Indian res-
10	ervation.
11	"(c) Determination of Needs.—On verification
12	by the Secretary of a tribal roll under subsection (d), the
13	Secretary and the Secretary of Health and Human Serv-
14	ices shall—
15	"(1) develop, in consultation with the Tribe, a
16	determination of needs to provide the services for
17	which members of the Tribe are eligible; and
18	"(2) after the tribal roll is verified, each submit
19	to Congress a written statement of those needs.
20	"(d) Tribal Roll.—
21	"(1) In general.—For purpose of the delivery
22	of Federal services and benefits described in sub-
23	section (a), the tribal roll in effect on the date of en-
24	actment of this section shall, subject to verification
25	by the Secretary, define the service population of the
26	Tribe.

1	"(2) Verification limitation and dead-
2	LINE.—The verification by the Secretary under
3	paragraph (1) shall—
4	"(A) be limited to confirming compliance
5	with the membership criteria set out in the con-
6	stitution of the Tribe adopted on November 16,
7	2001; and
8	"(B) be completed not later than 2 years
9	after the date of enactment of this section.
10	"SEC. 6. AUTHORIZATION TO TAKE LAND INTO TRUST.
11	"(a) In General.—The Secretary may take into
12	trust for the benefit of the Tribe land of the Tribe.
13	"(b) Treatment of Certain Land.—An applica-
14	tion to take into trust land located within Robeson Coun-
15	ty, North Carolina, under this section shall be treated by
16	the Secretary as an 'on reservation' trust acquisition
17	under part 151 of title 25, Code of Federal Regulations
18	(or a successor regulation).
19	"SEC. 7. JURISDICTION OF STATE OF NORTH CAROLINA.
20	"(a) In General.—With respect to land located
21	within the State of North Carolina that is owned by, or
22	held in trust by the United States for the benefit of, the
23	Tribe, or any dependent Indian community of the Tribe,
24	the State of North Carolina shall exercise jurisdiction
25	over—

1	"(1) all criminal offenses that are committed
2	and
3	"(2) all civil actions that arise.
4	"(b) Transfer of Jurisdiction.—
5	"(1) In General.—Subject to paragraph (2)
6	the Secretary may accept on behalf of the United
7	States, after consulting with the Attorney General or
8	the United States, any transfer by the State of
9	North Carolina to the United States of any portion
10	of the jurisdiction of the State of North Carolina de-
11	scribed in subsection (a) pursuant to an agreement
12	between the Tribe and the State of North Carolina
13	"(2) Restriction.—A transfer of jurisdiction
14	described in paragraph (1) may not take effect unti
15	2 years after the effective date of the agreement de
16	scribed in that paragraph.
17	"(c) Effect.—Nothing in this section affects the ap-
18	plication of section 109 of the Indian Child Welfare Ac
19	of 1978 (25 U.S.C. 1919).
20	"SEC. 8. AUTHORIZATION OF APPROPRIATIONS.
21	"There are authorized to be appropriated such sums

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22 as are necessary to carry out this Act.".