

116TH CONGRESS
2D SESSION

H. R. 1964

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2020

Received; read twice and referred to the Committee on Indian Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Lumbee Tribe of North
3 Carolina Recognition 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—”;

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

21 (C) by striking “Whereas” each place it
22 appears;

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

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

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

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

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

10 **“SEC. 2. DEFINITIONS.**

11 “In this Act:

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

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

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

18 **“SEC. 4. FEDERAL RECOGNITION.**

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

22 “(b) APPLICABILITY OF LAWS.—All laws and regula-
23 tions of the United States of general application to Indi-
24 ans and Indian tribes shall apply to the Tribe and its
25 members.

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

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

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

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

18 “(c) DETERMINATION OF NEEDS.—On verification
19 by the Secretary of a tribal roll under subsection (d), the
20 Secretary and the Secretary of Health and Human Serv-
21 ices shall—

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

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

3 “(d) TRIBAL ROLL.—

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

10 “(2) VERIFICATION LIMITATION AND DEAD-
11 LINE.—The verification by the Secretary under
12 paragraph (1) shall—

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

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

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

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

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

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

8 “(a) IN GENERAL.—With respect to land located
9 within the State of North Carolina that is owned by, or
10 held in trust by the United States for the benefit of, the
11 Tribe, or any dependent Indian community of the Tribe,
12 the State of North Carolina shall exercise jurisdiction
13 over—

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

16 “(2) all civil actions that arise.

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

18 “(1) IN GENERAL.—Subject to paragraph (2),
19 the Secretary may accept on behalf of the United
20 States, after consulting with the Attorney General of
21 the United States, any transfer by the State of
22 North Carolina to the United States of any portion
23 of the jurisdiction of the State of North Carolina de-
24 scribed in subsection (a) over Indian country occu-

“(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.

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

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

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

Passed the House of Representatives November 16,
2020.

Attest: **CHERYL L. JOHNSON,**
Clerk.