

**TESTIMONY OF  
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UNITED STATES DEPARTMENT OF THE INTERIOR  
TO THE SUBCOMMITTEE ON INDIAN, INSULAR AND ALASKA NATIVE AFFAIRS  
UNITED STATES HOUSE OF REPRESENTATIVES  
HEARING ON  
H.R. 3650**

**SEPTEMBER 26, 2017**

Chairman LaMalfa, Ranking Member Torres, and members of the Subcommittee – my name is John Tahsuda, I am the Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior (Department of the Interior). Thank you for the opportunity to provide the Department’s testimony on H.R. 3650, the Lumbee Recognition Act.

While the Department acknowledges that Congress does not have exclusive authority over the federal recognition of Indian tribes, the Department is conscious of Congress’ authority to recognize individual tribes through legislation. Given the extensive process Interior currently uses for tribal recognition, working through the Congressional process may be desirable. If H.R. 3650 is the more direct route for recognition, Interior recommends the addition of language to clarify the role the Department will play in the process, should the Lumbee receive acknowledgement. We welcome the opportunity to assist the sponsor on these technical changes.

Under Article 1, Section 8, Clause 3 of the Constitution, the Congress has the authority to recognize a ‘distinctly Indian community’ as an Indian tribe. Federal acknowledgment, whether completed by the Department, the Congress, or the courts, establishes a government-to-government relationship between the United States and the tribe, enabling participation in certain Federal programs and recognition of certain legal rights under Federal law.

**H.R. 3650**

H.R. 3650, the Lumbee Recognition Act, extends Federal recognition to the Lumbee Tribe of North Carolina. The legislation also permits any other group of Indians in Robeson and its adjoining counties whose members are not enrolled in the Lumbee Tribe to petition under the Department’s existing acknowledgment regulations.

Prior to 2015, the Department’s Office of Federal Acknowledgment received letters of intent to petition from multiple groups including the Lumbee Tribe named in this bill. There is a potential these claims and memberships may overlap. We believe it would be helpful for the sponsor and Congress to clarify the Lumbee group that would be granted recognition as a Tribe under this bill by specifying the current membership list, the group’s governing document, and ensuring the governing document includes clear enrollment requirements and procedures. The Department welcomes the opportunity to work with the sponsor and the Committee to address these recommendations.

Under H.R. 3650, the State of North Carolina has jurisdiction over criminal offenses and civil actions on lands within North Carolina owned by the Lumbee Tribe or ‘any dependent Indian community of the Tribe.’ The Secretary of the Interior is authorized to accept a transfer of jurisdiction over those offenses and actions from the State of North Carolina, after consulting with the Attorney General of the United States and pursuant to an agreement between the Lumbee Tribe and the State of North Carolina. Such transfer may not take effect until two years after the effective date of such agreement. Criminal and civil jurisdiction in Indian country often presents complex issues. We would like to work with the sponsor to further clarify which lands currently and in the future may be intended to be included in the jurisdictional agreement contemplated in the bill.

We believe the provision requiring the Secretary to verify the tribal membership and then develop a determination of needs and budget to provide Federal services to the Lumbee group’s eligible members may require additional time beyond two years. Verifying a tribal roll is involved and complex, but we understand the need to examine this critical information expeditiously. We would like to work with the sponsor to establish a time period for all parties to succeed.

Lastly, we would appreciate an opportunity to further discuss the supportive role the Department will play, should the Lumbee receive acknowledgement legislatively. We stand ready and able to work with you.

### **Conclusion**

The Department of the Interior appreciates the sponsor’s continued work on this issue and welcomes any further opportunities to engage with the cosponsors, this Committee, and the Congress on H.R. 3650, the Lumbee Recognition Act.

Thank you for the opportunity to testify today. I look forward to answering your questions.