

116TH CONGRESS
1ST SESSION

S. 1368

To provide for the recognition of the Lumbee Tribe of North Carolina,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2019

Mr. BURR introduced the following bill; which was read twice and referred to
the Committee on Indian Affairs

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));

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

3 **“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 “(c) GAMING ACTIVITIES.—Land taken into trust
20 under this section shall be eligible, or considered to have
21 been taken into trust, for class II gaming or class III gam-
22 ing (as defined in section 4 of the Indian Gaming Regu-
23 latory Act (25 U.S.C. 2703)).

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

2 “(a) IN GENERAL.—With respect to land located
3 within the State of North Carolina that is owned by, or
4 held in trust by the United States for the benefit of, the
5 Tribe, or any dependent Indian community of the Tribe,
6 the State of North Carolina shall exercise jurisdiction
7 over—

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

10 “(2) all civil actions that arise.

11 “(b) TRANSFER OF JURISDICTION.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
13 the Secretary may accept on behalf of the United
14 States, after consulting with the Attorney General of
15 the United States, any transfer by the State of
16 North Carolina to the United States of any portion
17 of the jurisdiction of the State of North Carolina de-
18 scribed in subsection (a) pursuant to an agreement
19 between the Tribe and the State of North Carolina.

20 “(2) RESTRICTION.—A transfer of jurisdiction
21 described in paragraph (1) may not take effect until
22 2 years after the effective date of the agreement de-
23 scribed in that paragraph.

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

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

2 “There are authorized to be appropriated such sums

3 as are necessary to carry out this Act.”.

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