

113TH CONGRESS
1ST SESSION

S. 1132

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

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2013

Mr. BURR (for himself and Mrs. HAGAN) 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. PREAMBLE.**

7 The preamble to the Act of June 7, 1956 (70 Stat.
8 254), is amended as follows:

9 (1) By striking “and” at the end of each clause.

1 (2) By striking “: Now, therefore,” at the end
2 of the last clause and inserting a semicolon.

3 (3) By adding at the end the following new
4 clauses:

5 **SEC. 3. FEDERAL RECOGNITION.**

6 The Act of June 7, 1956 (70 Stat. 254), is amended
7 as follows:

8 (1) By striking the last sentence of the first
9 section.

10 (2) By striking section 2 and inserting the fol-
11 lowing new sections:

12 “SEC. 2. (a) Federal recognition is hereby extended
13 to the Lumbee Tribe of North Carolina, as designated as
14 petitioner number 65 by the Office of Federal Acknowl-
15 edgment. All laws and regulations of the United States
16 of general application to Indians and Indian tribes shall
17 apply to the Lumbee Tribe of North Carolina and its
18 members.

19 “(b) Notwithstanding the first section, any group of
20 Indians in Robeson and adjoining counties, North Caro-
21 lina, whose members are not enrolled in the Lumbee Tribe
22 of North Carolina as determined under section 3(c), may
23 petition under part 83 of title 25 of the Code of Federal
24 Regulations for acknowledgment of tribal existence.

1 “SEC. 3. (a) The Lumbee Tribe of North Carolina
2 and its members shall be eligible for all services and bene-
3 fits provided to Indians because of their status as mem-
4 bers of a federally recognized tribe. For the purposes of
5 the delivery of such services, those members of the Tribe
6 residing in Robeson, Cumberland, Hoke, and Scotland
7 counties in North Carolina shall be deemed to be residing
8 on or near an Indian reservation.

9 “(b) Upon verification by the Secretary of the Inte-
10 rior of a tribal roll under subsection (c), the Secretary of
11 the Interior and the Secretary of Health and Human Serv-
12 ices shall develop, in consultation with the Lumbee Tribe
13 of North Carolina, a determination of needs to provide the
14 services to which members of the Tribe are eligible. The
15 Secretary of the Interior and the Secretary of Health and
16 Human Services shall each submit a written statement of
17 such needs to Congress after the tribal roll is verified.

18 “(c) For purposes of the delivery of Federal services,
19 the tribal roll in effect on the date of the enactment of
20 this section shall, subject to verification by the Secretary
21 of the Interior, define the service population of the Tribe.
22 The Secretary’s verification shall be limited to confirming
23 compliance with the membership criteria set out in the
24 Tribe’s constitution adopted on November 16, 2001, which

1 verification shall be completed within 2 years after the
2 date of the enactment of this section.

3 “SEC. 4. (a) The Secretary may take land into trust
4 for the Lumbee Tribe pursuant to this Act. An application
5 to take land located within Robeson County, North Caro-
6 lina, into trust under this section shall be treated by the
7 Secretary as an ‘on reservation’ trust acquisition under
8 part 151 of title 25, Code of Federal Regulations (or a
9 successor regulation).

10 “(b) The tribe may not conduct gaming activities as
11 a matter of claimed inherent authority or under the au-
12 thority of any Federal law, including the Indian Gaming
13 Regulatory Act (25 U.S.C. 2701 et seq.) or under any reg-
14 ulations thereunder promulgated by the Secretary or the
15 National Indian Gaming Commission.

16 “SEC. 5. (a) The State of North Carolina shall exer-
17 cise jurisdiction over—

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

20 “(2) all civil actions that arise on, lands located
21 within the State of North Carolina that are owned
22 by, or held in trust by the United States for, the
23 Lumbee Tribe of North Carolina, or any dependent
24 Indian community of the Lumbee Tribe of North
25 Carolina.

1 “(b) The Secretary of the Interior is authorized to
2 accept on behalf of the United States, after consulting
3 with the Attorney General of the United States, any trans-
4 fer by the State of North Carolina to the United States
5 of any portion of the jurisdiction of the State of North
6 Carolina described in subsection (a) pursuant to an agree-
7 ment between the Lumbee Tribe and the State of North
8 Carolina. Such transfer of jurisdiction may not take effect
9 until 2 years after the effective date of the agreement.

10 “(c) The provisions of this section shall not affect the
11 application of section 109 of the Indian Child Welfare Act
12 of 1978 (25 U.S.C. 1919).

13 “SEC. 6. There are authorized to be appropriated
14 such sums as are necessary to carry out this Act.”.

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