

117TH CONGRESS
1ST SESSION

S. 1364

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

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2021

Mr. BURR (for himself and Mr. TILLIS) introduced the following bill; which
was read the first time

APRIL 27, 2021

Read the second time and placed on the calendar

NOVEMBER 2, 2021

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 Tribe of North
5 Carolina Recognition Act”.

1 **SEC. 2. FEDERAL RECOGNITION.**

2 The Act of June 7, 1956 (70 Stat. 254, chapter 375),
3 is amended—

4 (1) by striking section 2;

5 (2) in the first sentence of the first section, by
6 striking “That the Indians” and inserting the fol-
7 lowing:

8 **“SEC. 3. DESIGNATION OF LUMBEE INDIANS.**

9 “The Indians”;

10 (3) in the preamble—

11 (A) by inserting before the first undesig-
12 nated clause the following:

13 **“SECTION 1. FINDINGS.**

14 “Congress finds that—”;

15 (B) by designating the undesignated
16 clauses as paragraphs (1) through (4), respec-
17 tively, and indenting appropriately;

18 (C) by striking “Whereas” each place it
19 appears;

20 (D) by striking “and” after the semicolon
21 at the end of each of paragraphs (1) and (2)
22 (as so designated); and

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

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

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

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

7 **“SEC. 2. DEFINITIONS.**

8 “In this Act:

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

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

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

15 **“SEC. 4. FEDERAL RECOGNITION.**

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

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

23 “(c) PETITION FOR ACKNOWLEDGMENT.—Notwith-
 24 standing section 3, any group of Indians in Robeson and
 25 adjoining counties, North Carolina, whose members are

1 not enrolled in the Tribe (as determined under section
 2 5(d)) may petition under part 83 of title 25 of the Code
 3 of Federal Regulations for acknowledgment of tribal exist-
 4 ence.

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

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

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

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

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

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

24 “(d) TRIBAL ROLL.—

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

7 “(2) VERIFICATION LIMITATION AND DEAD-
 8 LINE.—The verification by the Secretary under
 9 paragraph (1) shall—

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

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

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

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

22 “(b) TREATMENT OF CERTAIN LAND.—An applica-
 23 tion to take into trust land located within Robeson Coun-
 24 ty, North Carolina, under this section shall be treated by
 25 the Secretary as an ‘on reservation’ trust acquisition

1 under part 151 of title 25, Code of Federal Regulations
 2 (or a successor regulation).

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

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

10 “(1) all criminal offenses that are committed;

11 and

12 “(2) all civil actions that arise.

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

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

23 “(2) RESTRICTION.—A transfer of jurisdiction
 24 described in paragraph (1) may not take effect until

1 2 years after the effective date of the agreement de-
2 scribed in that paragraph.

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

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

7 “‘There are authorized to be appropriated such sums
8 as are necessary to carry out this Act.

9 **“SEC. 9. SHORT TITLE.**

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

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