

118TH CONGRESS  
1ST SESSION

# S. 521

To amend the Lumbee Act of 1956.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2023

Mr. TILLIS (for himself and Mr. BUDD) introduced the following bill; which  
was read twice and referred to the Committee on Indian Affairs

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## A BILL

To amend the Lumbee Act of 1956.

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 Fairness Act”.

5 **SEC. 2. FEDERAL RECOGNITION.**

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

8 (1) by striking section 2;

9 (2) in the first sentence of the first section, by  
10 striking “That the Indians” and inserting the fol-  
11 lowing:

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

2 “The Indians”;

3 (3) in the preamble—

4 (A) by inserting before the first undesig-  
5 nated clause the following:

6 **“SECTION 1. FINDINGS.**

7 “Congress finds that—”;

8 (B) by designating the undesignated  
9 clauses as paragraphs (1) through (4), respec-  
10 tively, and indenting appropriately;

11 (C) by striking “Whereas” each place it  
12 appears;

13 (D) by striking “and” after the semicolon  
14 at the end of each of paragraphs (1) and (2)  
15 (as so designated); and

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

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

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

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

25 **“SEC. 2. DEFINITIONS.**

26 “In this Act:

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

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

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

7   **“SEC. 4. FEDERAL RECOGNITION.**

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

11          “(b) APPLICABILITY OF LAWS.—All laws and regula-  
12          tions of the United States of general application to Indi-  
13          ans and Indian tribes shall apply to the Tribe and its  
14          members.

15          “(c) PETITION FOR ACKNOWLEDGMENT.—Notwith-  
16          standing section 3, any group of Indians in Robeson and  
17          adjoining counties, North Carolina, whose members are  
18          not enrolled in the Tribe (as determined under section  
19          5(d)) may petition under part 83 of title 25 of the Code  
20          of Federal Regulations for acknowledgment of tribal exist-  
21          ence.

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

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

1       “(b) SERVICE AREA.—For the purpose of the delivery  
2 of Federal services and benefits described in subsection  
3 (a), those members of the Tribe residing in Robeson, Cum-  
4 berland, Hoke, and Scotland counties in North Carolina  
5 shall be deemed to be residing on or near an Indian res-  
6 ervation.

7       “(c) DETERMINATION OF NEEDS.—On verification  
8 by the Secretary of a tribal roll under subsection (d), the  
9 Secretary and the Secretary of Health and Human Serv-  
10 ices shall—

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

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

16       “(d) TRIBAL ROLL.—

17           “(1) IN GENERAL.—For purpose of the delivery  
18 of Federal services and benefits described in sub-  
19 section (a), the tribal roll in effect on the date of en-  
20 actment of this section shall, subject to verification  
21 by the Secretary, define the service population of the  
22 Tribe.

23           “(2) VERIFICATION LIMITATION AND DEAD-  
24 LINE.—The verification by the Secretary under  
25 paragraph (1) shall—

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

5           “(B) be completed not later than 2 years  
6 after the submission of a digitized roll with sup-  
7 porting documentary proof by the Tribe to the  
8 Secretary.

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

10       “(a) IN GENERAL.—Notwithstanding any other pro-  
11 vision of law, the Secretary is hereby authorized to take  
12 land into trust for the benefit 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 **“SEC. 7. JURISDICTION OF STATE OF NORTH CAROLINA.**

20       “(a) IN GENERAL.—With respect to land located  
21 within the State of North Carolina that is owned by, or  
22 held in trust by the United States for the benefit of, the  
23 Tribe, or any dependent Indian community of the Tribe,  
24 the State of North Carolina shall exercise jurisdiction  
25 over—

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

3           “(2) all civil actions that arise.

4           “(b) TRANSFER OF JURISDICTION.—

5           “(1) IN GENERAL.—Subject to paragraph (2),  
6           the Secretary may accept on behalf of the United  
7           States, after consulting with the Attorney General of  
8           the United States, any transfer by the State of  
9           North Carolina to the United States of any portion  
10          of the jurisdiction of the State of North Carolina de-  
11          scribed in subsection (a) over Indian country occu-  
12          pied by the Tribe pursuant to an agreement between  
13          the Tribe and the State of North Carolina.

14          “(2) RESTRICTION.—A transfer of jurisdiction  
15          described in paragraph (1) may not take effect until  
16          2 years after the effective date of the agreement de-  
17          scribed in that paragraph.

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

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

22          ““There are authorized to be appropriated such sums  
23          as are necessary to carry out this Act.”.

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