

The MAPWaters Act will improve the standardization, consolidation, and availability of information on the recreational opportunities for Federal waterways, allowing recreationists in Utah and around the country to have the most up-to-date information on what is available to them.

In addition to providing chances for families to experience the outdoors and instill a love of nature in new generations, recreational boating and fishing are major drivers of Utah's economy, contributing over \$536 million in 2023.

As our love for the outdoors continues to grow, accessing these public treasures should be as easy as possible.

Mr. Speaker, I thank the gentleman from California (Mr. PANETTA), the gentleman from Idaho (Mr. FULCHER), and the gentlewoman from Michigan (Mrs. DINGELL), as well as our Senate companions, Senators BARRASSO and KING, for partnering with me on this effort.

Mr. Speaker, I urge my colleagues to support H.R. 6127.

Ms. KAMLAGER-DOVE. Mr. Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. WESTERMAN. Mr. Speaker, I again thank the gentleman from Utah (Mr. MOORE) for his work on this bill and his work as a Member of this body to increase recreational access to our public lands.

Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. WESTERMAN) that the House suspend the rules and pass the bill, H.R. 6127, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LUMBEE FAIRNESS ACT

Mr. WESTERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1101) to amend the Lumbee Act of 1956, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lumbee Fairness Act".

SEC. 2. FEDERAL RECOGNITION.

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

(1) by striking section 2;

(2) in the first sentence of the first section, by striking "That the Indians" and inserting the following:

"SEC. 3. DESIGNATION OF LUMBEE INDIANS.

"The Indians—";

(3) in the preamble—

(A) by inserting before the first undesignated clause the following:

"SEC. 1. FINDINGS.

"Congress finds that—";

(B) by designating the undesignated clauses as paragraphs (1) through (4), respectively, and indenting appropriately;

(C) by striking "Whereas" each place it appears;

(D) by striking "and" after the semicolon at the end of each of paragraphs (1) and (2) (as so designated); and

(E) in paragraph (4) (as so designated), by striking "Now, therefore," and inserting a period;

(4) by moving the enacting clause so as to appear before section 1 (as so designated);

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

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

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(2) TRIBE.—The term 'Tribe' means the Lumbee Tribe of North Carolina or the Lumbee Indians of North Carolina."; and

(7) by adding at the end the following:

"SEC. 4. FEDERAL RECOGNITION.

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

"(b) APPLICABILITY OF LAWS.—All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Tribe and its members.

"(c) PETITION FOR ACKNOWLEDGMENT.—Notwithstanding section 3, any group of Indians in Robeson and adjoining counties, North Carolina, whose members are not enrolled in the Tribe (as determined under section 5(d)) may petition under part 83 of title 25 of the Code of Federal Regulations for acknowledgment of tribal existence.

"SEC. 5. ELIGIBILITY FOR FEDERAL SERVICES.

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

"(b) SERVICE AREA.—For the purpose of the delivery of Federal services and benefits described in subsection (a), those members of the Tribe residing in Robeson, Cumberland, Hoke, and Scotland counties in North Carolina shall be deemed to be residing on or near an Indian reservation.

"(c) DETERMINATION OF NEEDS.—On verification by the Secretary of a tribal roll under subsection (d), the Secretary and the Secretary of Health and Human Services shall—

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

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

"(d) TRIBAL ROLL.—

"(1) IN GENERAL.—For purpose of the delivery of Federal services and benefits described in subsection (a), the tribal roll in effect on the date of enactment of this section shall, subject to verification by the Secretary, define the service population of the Tribe.

"(2) VERIFICATION LIMITATION AND DEADLINE.—The verification by the Secretary under paragraph (1) shall—

"(A) be limited to confirming documentary proof of compliance with the membership criteria set out in the constitution of the Tribe adopted on November 16, 2001; and

"(B) be completed not later than 2 years after the submission of a digitized roll with supporting documentary proof by the Tribe to the Secretary.

"SEC. 6. AUTHORIZATION TO TAKE LAND INTO TRUST.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is hereby authorized to take land into trust for the benefit of the Tribe.

"(b) TREATMENT OF CERTAIN LAND.—An application to take into trust land located within Robeson County, North Carolina, under this section shall be treated by the Secretary as an 'on reservation' trust acquisition under part 151 of title 25, Code of Federal Regulations (or a successor regulation).

"SEC. 7. JURISDICTION OF STATE OF NORTH CAROLINA.

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

"(1) all criminal offenses that are committed; and

"(2) all civil actions that arise.

"(b) TRANSFER OF JURISDICTION.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may accept on behalf of the United States, after consulting with the Attorney General of the United States, any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described in subsection (a) over Indian country occupied by the Tribe pursuant to an agreement between the Tribe and the State of North Carolina.

"(2) RESTRICTION.—A transfer of jurisdiction described in paragraph (1) may not take effect until 2 years after the effective date of the agreement described in that paragraph.

"(c) EFFECT.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. WESTERMAN) and the gentlewoman from California (Ms. KAMLAGER-DOVE) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. WESTERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1101, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WESTERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we talk about Tribal recognition bills, it often comes with a lot of passion. There are people who support the bills and people who oppose the bills, and it is hard to get consensus on these Tribal recognition bills.

As we consider this bill today, I just want to lay out the facts of what is at stake here in this particular Tribal recognition bill.

H.R. 1101 would extend Federal recognition to the Lumbee Tribe of North Carolina and remove a statutory bar that has impacted the Tribe since 1956.

According to the Tribe, this statutory bar has prevented them from being federally recognized through any administrative procedure.

Under the legislation, the Lumbee Tribe would be eligible for services, benefits, and immunities available to other federally recognized Indian Tribes.

In 1956, an act of Congress designated certain Indians as Lumbee Indians of North Carolina. It declared that they shall enjoy all rights as citizens of the State of North Carolina and the United States, but in 1989, the Department of the Interior solicitor issued an opinion stating that the 1956 act effectively denied the Lumbee Tribe eligibility to petition for recognition under the Federal acknowledgment process at the Department.

In 2016, the Department of the Interior solicitor withdrew the 1989 opinion and replaced it with a new opinion, stating that the Lumbee Tribe may pursue Federal recognition under the current administrative procedures for federally recognizing a Tribe.

This complex history has created legal confusion, and the Lumbee Tribe has chosen to seek Federal recognition through Congress rather than apply through the Federal acknowledgment process.

H.R. 1101 would use Congress' plenary power over Indian affairs to federally recognize the Lumbee Tribe.

Mr. Speaker, I thank the sponsor of this legislation, Representative ROUZER, for his work on this bill. I urge support, and I reserve the balance of my time.

Ms. KAMLAGER-DOVE. Mr. Speaker, I rise in support of the Lumbee Fairness Act, which would extend Federal recognition to the Lumbee Tribe of North Carolina.

The State of North Carolina formally recognized the Lumbee Tribe in 1885, and the Tribe has been seeking Federal recognition from the United States for nearly 140 years. Mr. Speaker, that is a long time.

Legislative efforts to provide Federal recognition to the Tribe over the years have been led by both Democratic and Republican sponsors and have historically passed the House with overwhelming bipartisan support. The Tribe has time and time and time and time again shown that they are a distinct, self-governing Indian community and that they are worthy of Federal recognition.

It is long past time that Congress extended these rights to the Lumbee Tribe of North Carolina.

Mr. Speaker, I ask my colleagues to support the bill, and I reserve the balance of my time.

Mr. WESTERMAN. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. ROUZER), the lead sponsor of the bill.

Mr. ROUZER. Mr. Speaker, I rise in support of my bill, H.R. 1101, the Lumbee Fairness Act, to give the Lumbee Tribe of North Carolina the

full Federal recognition they have been unfairly denied for decades.

The Lumbee Tribe, comprised of 55,000 members, is the largest American Indian Tribe east of the Mississippi River and the ninth largest in the Nation. Throughout recorded history, the Lumbee have called southeastern North Carolina home, spanning Robeson, Scotland, Hoke, and Cumberland Counties.

Despite their long history and cohesive culture, the Lumbee Tribe has never had access to the same resources exercised by every other federally recognized Tribe. During the termination era, when Congress ended the Federal relationship with 60 Tribes, the Lumbee Act of 1956 recognized the Tribe's existence yet denied them the Federal rights and protections afforded to other federally recognized Tribes. This includes access to benefits from the Indian Health Service and support from the Bureau of Indian Affairs.

Sometimes, it is quite helpful to go back to see what the statute actually says. Public Law 571 specifically reads: "Nothing in this act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians." It is a bit wordy but very clear and very to the point.

□ 1615

Beginning in 1978, the Federal Government began rectifying the damage done during the termination era, establishing processes in which Tribes could regain Federal recognition and privileges.

The Federally Recognized Indian Tribe List Act established three ways in which an Indian group may become federally recognized: By act of Congress, by the administrative procedures established by the Department of the Interior, and by decision of a United States court.

Since then, Congress has stepped in and recognized 23 Tribes through legislation, reestablishing their relationship with the Federal Government.

Unfortunately, given the language of the Lumbee Act of 1956, only an act of Congress can establish the Federal rights and privileges of the Lumbee Tribe.

Some point to the administrative process as the path forward for the Lumbee Tribe, but the language of the 1956 act, which I just read, has acted as the law of the land, barring the Tribe from gaining their due privileges.

The fundamental point is this: Congress wrote a law that terminated the Federal relationship with the Tribe, and Congress is the only entity that can restore that recognition. The administrative process has quite honestly proved to be a dead-end street simply because of that statute.

The Lumbee's leadership and members work tirelessly every year to mo-

bilize support to move the legislation that is before us today. The bill has been introduced in Congress more than 30 times with broad bipartisan support in the House and Senate.

Through more than a dozen congressional hearings, documentation has consistently affirmed the Lumbee Tribe as a distinct, self-governing Indian community. In each of the last 11 Congresses, legislation has been introduced to grant the Lumbee Tribe the full recognition they deserve.

In the last two Congresses, the House passed this legislation under suspension, and beyond Congress, the Lumbee Fairness Act has the support of 236 Tribes across the country who have repeatedly cited the unfair treatment of the Tribe under the 1956 Lumbee Act.

All of this is to say, Mr. Speaker, this needs to be done. I thank the House leadership, particularly Speaker JOHNSON and Majority Leader STEVE SCALISE, for bringing this bill forward for consideration today.

I thank Chairman WESTERMAN and his committee for their diligent work on all issues, particularly this one. Their efforts have not gone unnoticed. Today, the House can take a great step forward to right the wrong of the unfair and unjust treatment of the Lumbee Tribe once and for all. Mr. Speaker, I urge my colleagues to support this legislation.

Mr. WESTERMAN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HUDSON).

Mr. HUDSON. Mr. Speaker, I rise in support of H.R. 1101, the Lumbee Fairness Act, which rights a historic wrong and provides long overdue Federal recognition for the Lumbee Tribe.

My family goes back seven generations in Robeson County, which is the home of the Lumbee people, and I represent many Lumbees in Hoke and Cumberland Counties.

The Lumbees have deep cultural roots and traditions in our State and have made significant contributions since North Carolina fully recognized the Tribe in 1885.

Though Congress recognized the Lumbee Tribe in 1956, they were discriminated against like no other Tribe and tragically denied the same protections and resources enjoyed by every other Federal Tribe.

Since I came to Congress, I proudly championed Federal recognition. Yet, despite broad bipartisan support, Congress has failed to send this legislation to the President. This is unacceptable, and it is past time we right this wrong once and for all.

I thank my friend, Representative DAVID ROUZER, for leading this must-pass legislation to give the Lumbee people the long overdue Federal recognition they rightfully deserve.

I also thank Chairman WESTERMAN and his incredible hardworking staff. I urge my colleagues to join us in support of this legislation.

Mr. WESTERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BISHOP).

Mr. BISHOP of North Carolina. Mr. Speaker, this is my final week in Congress. Many come to the floor and ruminate over their service. As for me, I can't think of a better way to spend my final words on the floor than in support of recognition for the Lumbee Tribe.

The Lumbee have been pursuing justice since the mid-1800s. I have previously stated on the floor some of the specifics of the Lumbee's Native American heritage, their struggle as a people against racial discrimination, and their deep and abiding community orientation around the life-changing power of education, especially represented by UNC Pembroke.

I have talked about their rich Tribal culture, the Tribal Council, the Warriors Ball, Lumbee homecoming, the Powwow. I count among my greatest privileges in Congress having been designated an honorary Lumbee warrior.

I have explained the abomination of the recognition legislation of 1956, which acknowledged the Lumbee's nationhood while explicitly denying them the incidents and benefits of the status extended to other American Indian Tribes, the epitome of arbitrary and capricious governmental action.

Although Robeson County, the historic homeplace for the Lumbee, passed into Mr. ROUZER's district in 2022, Lumbee recognition remains the unfinished business that is closest to my heart.

I have been pleased to introduce President Trump to the Lumbee and am proud to count him a vocal supporter of this legislation. I am certain that progress toward righting this historic injustice has occurred over my 5 years in the House, and I am pleased to say that victory is in sight.

Let my final words here be to thank the Lumbee for the honor of representing them here and for their friendship.

Mr. Speaker, let's pass the Lumbee Fairness Act now and vote for the bill.

Mr. WESTERMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. BRECHEEN).

Mr. BRECHEEN. Mr. Speaker, I rise today in opposition to the Lumbee Fairness Act because of the three-quarters of a billion dollars that is unpaid for in cost and how it undermines Tribal designation based on merit, a 100-year history where merit drives and not politics.

While I respect the hard work of my colleagues from North Carolina and I have no doubt about their intentions with this legislation, the Lumbee Fairness Act would represent a lack of fairness for all historically recognized Native Americans and a lack of fairness for the merit-based process for Federal Tribal recognition.

I am a card-carrying member of the Choctaw Nation. My family can trace its lineage to the time of the Indian Removal Act and the Choctaw Trail of Tears. Oklahoma is a Choctaw word.

I am one of only four current Native-American Members in the House of

Representatives. I harbor no ill will toward any people who seek Federal recognition for themselves and appreciate the hardship of going through the Federal recognition process.

However, we must also acknowledge that Tribal-Federal relations have a near 250-year history, rooted in our Constitution. It is found in Article I and Article VI of the Constitution. There are two centuries of tradition showing how the founding generations and those following after dealt with the issue of Federal treaties with Tribes.

The recognition process is robust. It is designed to ensure only people who can prove themselves as historical Tribes are designated as such.

The Lumbee people have attempted to gain recognition via this process for 130 years, and each time rebuffed by the Bureau of Indian Affairs. Proponents of this bill argue the Lumbee are not eligible for the merit-based Tribal recognition process.

However, the latest ruling on this from the Department of the Interior 2016 says that the Lumbee are eligible to go through the merit-based recognition process. We should let that merit-based process go forward instead of replacing that time-honored process with a vote on this floor and what is popular.

Congressional passage of this sends a subliminal message to historically recognized Tribes all over the country that politics trumps what we should be looking at within this situation, which is merit.

That is why 141 Tribes alongside the Choctaw, Chickasaw, Cherokee, Muscogee, Seminole Nations, et cetera, have opposed this effort going back many years.

Mr. Speaker, with that in mind, I include in the RECORD a resolution from the Five Civilized Tribes opposing the goal of this bill and a news article detailing the opposition of 141 recognized Tribes, to the same effect.

THE INTER-TRIBAL COUNCIL OF THE FIVE CIVILIZED TRIBES

A RESOLUTION OPPOSING FEDERAL OR STATE RECOGNITION OF GROUPS THAT CLAIM TO BE TRIBAL NATIONS BY CIRCUMVENTING THE OFFICE OF FEDERAL ACKNOWLEDGEMENT

RESOLUTION NO. 22-14

Whereas, the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing approximately 815,000 Indian people throughout the United States; and

Whereas, our tribes maintain a historic and continual government-to-government relationship with the United States and exercised the sovereign rights of self-government; and

Whereas, our tribes have distinct histories, languages, cultures and identities that have been fiercely protected despite government policies intended to eradicate our ways of life; and

Whereas, fraudulent groups that appropriate our culture and erroneously claim to be legitimate tribal governments threaten the foundation of tribal sovereignty; and

Whereas, the federal government is granted authority by the U.S. Constitution to regulate matters relating to Indian tribes, which includes the process of obtaining federal recognition; and

Whereas, these groups often seek state recognition and other means to bolster their legitimacy and bypass the Department of the Interior's Office of Federal Acknowledgement (OFA); and

Whereas, the OFA currently manages a fair and measured process for attaining federal recognition, which includes a number of important steps that a petitioner must complete before being granted this status; and

Whereas, it is irresponsible for any governmental body, including the United States Congress, to bypass this process in favor of certain groups claiming to be tribal governments.

Now therefore let it be *Resolved that*, the Inter-Tribal Council of the Five Civilized Tribes opposes efforts by any group attempting to gain federal or state recognition that circumvents the Office of Federal Acknowledgement (OFA).

Be it further *Resolved*, the Inter-Tribal Council opposes current efforts by the "Lumbee Tribe", "Chickamauga Tribe", "Wolf Creek Cherokee", and any other groups illegitimately claiming tribal recognition without following the outlined process of the OFA

CERTIFICATION

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Tulsa, Oklahoma on this 15th day of July, 2022, by a vote of All in favor for 0 against and 0 abstentions.

BILL ANOATUBBY,
Governor, The Chickasaw Nation.

GARY BATTON,
Chief, Choctaw Nation of Oklahoma.

CHUCK HOSKIN, JR.,
Principal Chief, Cherokee Nation.

DAVID W. HILL,
Principal Chief, Muscogee (Creek) Nation.

LEWIS J. JOHNSON,
Chief, Seminole Nation of Oklahoma.

TRIBAL LEADERS FIGHT TO DEFEND CULTURE AND SOVEREIGNTY 141 TRIBES OPPOSE EFFORTS TO UNDERMINE TRIBAL-PROTECTION MEASURES

SUMMARY

In 1978, tribal leaders and the National Congress of American Indians worked with Congress to create the Office of Federal Acknowledgement to facilitate federal recognition of tribal governments. The leaders sought to ensure that eligible tribes were able to obtain recognition but also expressly sought to protect legitimate tribes from groups making false or questionable claims.

Now, several groups who lack a common language, evidence of native ancestry or the ability to meet any of the standards as a historical tribal government are seeking to avoid scrutiny of their claims by seeking political recognition through Congress.

A growing coalition of 141 tribal nations is opposing any effort to circumvent the OFA process, saying that Congress should defer to the OFA process. While Congress certainly has the authority to recognize Tribes and correct any errors in the OFA process, political lobbying and horse-trading in Congress should not displace historical verification and evidence of a groups' claims.

"... recognition of groups claiming to be tribal nations with uncertain status as to historical tribes and without a close review of claims to Native ancestry imperils the government-to-government relationship between the United States and federally recognized tribal nations."—Excerpt from Resolution of North Eastern Oklahoma Tribes, August 17, 2022.

“USET has passed several resolutions supporting administrative recognition over legislative recognition, because administrative recognition provides an orderly process, administered by experts, such as ethno-historians, genealogists, anthropologists, and other technical staff, that is insulated from political considerations unrelated to the historic legitimacy of a Tribal Nation.”—Excerpt from Resolution of the United South and Eastern Tribes COLT), October 27, 2015.

“As a tribal nation that was historically removed from our ancestral homelands, the Muscogee Nation is familiar with the risks inherent in granting federal recognition to a tribe that is not who they claim to be . . . hasty political decisions granting a group of people federal recognition significantly undermine the rights of legitimate tribal nations to protect the most sacred of sacred.”—Excerpt from letter from Muscogee Creek Nation to Senators Schatz and Murkowski, March 7, 2022.

PENDING BILLS IN CONGRESS DEMONSTRATE
THREAT TO TRIBAL NATIONS

S. 3443—MOWA Band of Choctaw Indians Recognition Act:

Claim to be descendent from Choctaw, Cherokee, Creek, and other tribes.

The Office of Federal Recognition found that they bore no descendancy from any historical tribe and that 99 percent of their members had ZERO native ancestry.

Despite not even being Native Americans, this group is seeking recognition by attaching language to a must pass bill through back room political deals.

If successful, this group would have the right to claim the culture and identities of the Choctaw tribe.

The group would have same rights as Choctaw, Cherokee, Creek, and other federally recognized tribes have to the remains of their ancestors, to their homelands, sacred sites and many other.

This group would also be able to act as a sovereign nation with the authority to tax, incarcerate and enter government to government treaties with the United States.

HR 2758—Lumbee Recognition Act:

Serious questions remain about the legitimacy of their claims,

The group is eligible to seek acknowledgment through the OFA process but refuses to submit their claims for scrutiny and instead are seeking to attach language to a must pass bill through back room political deals.

They have no evidence of being a historical tribe. They have no language, no treaties with the United States and no customs, songs, dances or tribal religion.

At different times they have claimed descendancy from four separate and unrelated tribes, changing their claims when challenged. For over 40 years, they falsely claimed to be Cherokee.

The group boasts nearly 100k members based on descendancy from a group of families that historians have testified cannot be verified as Cheraw or even Native American at all.

If recognized by Congress this group would obtain rights to the remains of ancestors, homelands, sacred sites, culture and identity of numerous other legitimate tribes.

This group would also be able to act as a sovereign nation with the authority to tax, incarcerate and enter government to government treaties with the United States.

Tribal leaders recently came together in D.C. to discuss the implications of these bills.

Mr. BRECHEEN. Mr. Speaker, if a Tribe cannot prove the necessary documentation to receive Federal recognition, they should not receive it by Congress' action.

If the Lumbee have a historical record of being a formal Tribe, if they have evidence of lineage to any particular Tribe, if they had a formal claim to the land that they now occupy, why would the BIA repeatedly refuse to formally recognize them as a Tribe?

Whatever Tribe may have occupied the land near the Lumbee River has long since dissipated. In fact, the 1956 bill that acknowledged the Lumbee as a people stated that the Tribe around the Lumbee River had fully assimilated into the surrounding European communities during the colonial era before the Constitution was written.

The Lumbee agreed to the language in that bill in 1956 as a compromise. In return for the Federal Government referring to them as a distinct people, they promised they would not seek formal Federal recognition.

Mr. Speaker, I include in the RECORD a copy of the 1956 hearing on the Lumbee bill where a representative of the Lumbee stated they would rather leave the county than accept the Federal recognition status. That is a strong statement of promise.

They could look us up and find we are in the law; in the books at Raleigh, and therefore we are honest in their sight. That is No. 1.

Mr. Aspinall. Do you or any members of your organization anticipate that after you might receive this designation you would come to Congress and ask for any of the benefits that otherwise go to Indian Tribes?

Reverend Lowery. No, sir. We would leave the county before we would come under a reservation or anything like wards of the government. We are citizens and always have been citizens. We would leave before we would come on this reservation.

The transcript of the hearing record makes clear that the Lumbee Indians were not expecting to receive any federal benefits or privileges as a result of the 1956 law. Nonetheless, the Department of the Interior objected to the bill because the United States has no treaty or other obligation to provide services to these Indians. Because of this, the Secretary of the Interior stated:

We are therefore unable to recommend that the Congress take any action which might ultimately result in the imposition of additional obligations on the Federal Government or in placing additional persons of Indian blood under the jurisdiction of this Department.

The persons who constitute this group of Indians have been recognized and designated as Indians by the State legislature. If they are not completely satisfied with such recognition, they, as citizens of the State, may petition the legislature to amend or otherwise to change that recognition. Except for the possibility of becoming entitled to Federal services as Indians, the position of this group of Indians would not be enhanced by enactment of this bill.

Ultimately, the Congress amended the bill as requested by the Department of the Interior by including the following language: “Nothing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians.” Thus, the Indians of Robeson and adjoining counties were designated as Lumbee Indians, but

not granted any eligibility for services or benefits.

The Department of the Interior has interpreted the 1956 law as preventing the Lumbee Indians from utilizing the Federal Acknowledgment Process to become a federally-recognized Indian tribe. In 1989, the Solicitor for the Department of the Interior concluded that the 1956 law forbids a government-to-government relationship with the Lumbee Indians.

Mr. BRECHEEN. Mr. Speaker, this bill undermines that verbal promise. Constitutionally sound agreements to the Federal Government must be adhered to. I think we should all agree to that. Nations fall apart when people walk back commitments to one another.

The entire foundation of Tribal-Federal relations today is premised on both sides upholding commitments, agreements, and treaties made two centuries ago by our ancestors and our Founding Fathers.

Why do we uphold agreements?

Why do we uphold treaties? It is about trust.

The cornerstone to Tribal law is the adherence to promises made hundreds of years ago. The Lumbee must be held to that standard, that commitment from 70 years ago. Granting the Lumbee Tribal recognition sets a dangerous precedent. Granting them recognition by going around this 100-year-old process opens the floodgates for anyone who claims themselves a Tribe to receive specific benefits through politics not merit. This will lead to a vast and irresponsible increase in Federal spending.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WESTERMAN. Mr. Speaker, I yield an additional 1 minute to the gentleman from Oklahoma.

Mr. BRECHEEN. Mr. Speaker, this will lead to a vast and irresponsible increase in Federal spending. I would like to respectfully refute the claim that this does not increase spending.

Mr. Speaker, I include in the RECORD the CBO report from the 117th Congress scoring the exact same bill at a cost of \$726 million over 10 years.

H.R. 2758, LUMBEE RECOGNITION ACT AS PASSED BY THE U.S. HOUSE OF REPRESENTATIVES ON NOVEMBER 1, 2021

	By fiscal year, millions of dollars—		
	2023	2023–2027	2023–2032
Direct Spending (Outlays) ..	0	0	0
Revenues	0	0	0
Increase or Decrease (–)			
in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	363	not estimated

Statutory pay-as-you-go procedures apply? No.

Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033? No.

Mandate Effects:
Contains intergovernmental mandate? No.
Contains private-sector mandate? No.

The legislation would:
Provide federal recognition to the Lumbee Tribe of North Carolina

Extend services and benefits to the tribe provided by the Bureau of Indian Affairs and the Indian Health Service

Authorizes the Bureau of Indian Affairs to take land into trust for the benefit of the tribe

Estimated budgetary effects would mainly stem from:

Providing federal benefits to the newly recognized tribe

Legislation summary: H.R. 2758 would extend federal recognition to the Lumbee Tribe of North Carolina, thereby making the tribe

and its members eligible for various federal programs.

Estimated Federal cost: The estimated budgetary effect of H.R. 2758 is shown in Table 1. The costs of the legislation fall within budget functions 450 (community and regional development) and 550 (health).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 2758

	By fiscal year, millions of dollars—					
	2023	2024	2025	2026	2027	2023–2027
Bureau of Indian Affairs:						
Estimated Authorization	0	15	33	37	43	128
Estimated Outlays	0	10	27	36	43	116
Indian Health Service:						
Estimated Authorization	0	39	79	80	81	279
Estimated Outlays	0	29	65	75	78	247
Total Changes:						
Estimated Authorization	0	54	112	117	124	407
Estimated Outlays	0	39	92	111	121	363

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted by the end of 2022. Providing federal recognition to the Lumbee Tribe of North Carolina would allow the tribe and its members to receive benefits from various programs administered by the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). CBO expects that those agencies and the tribe would require over a year to document the tribe's membership and approve contracts for services, so no federal spending would occur until 2024. CBO estimates that implementing H.R. 2758 would cost \$363 million over the 2023–2027 period, assuming appropriation of the estimated amounts.

Bureau of Indian Affairs: The Department of the Interior, primarily through BIA, provides funding to federally recognized tribes for various purposes, including child welfare services, adult care, community development, and general assistance. Based on recent per capita expenditures for other federally recognized tribes located in the eastern United States, CBO estimates that providing BIA services would cost \$116 million over the 2023–2027 period, assuming appropriation of the estimated amounts. CBO expects that most of that funding would go toward law enforcement and infrastructure needs on the tribe's reservation.

Indian health service: H.R. 2758 also would make members of the Lumbee Tribe eligible to receive health benefits from the IHS. Using information from the tribe, CBO estimates that about 44,000 of the tribe's 63,000 members live in the service area that is covered by IHS. CBO expects that the cost to service those people would be similar to current IHS beneficiaries—about \$1,700 for each person annually over the 2023–2027 period. Assuming appropriation of the estimated amounts and adjusting for anticipated inflation, CBO estimates that providing IHS benefits for the Lumbee Tribe would cost \$247 million over the 2023–2027 period.

Other Federal agencies: In addition to BIA and IHS funding, certain Indian tribes also receive support from other federal agencies, including the Departments of Education, Housing and Urban Development, and Health and Human Services. Based on their status as a tribe recognized by North Carolina, the Lumbee already receive funding from those agencies. Thus, CBO estimates that implementing H.R. 2758 would not increase spending for those programs.

Pay-As-You-Go considerations: None.

Increase in long-term deficits: None.

Mandates: None.

Estimate prepared by: Federal Costs: Julia Aman (Bureau of Indian Affairs), Rob Stewart (Indian Health Service); Mandates: Rachel Austin.

Estimate Reviewed By: Justin Humphrey, Chief, Finance, Housing, and Education Cost Estimates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Mr. BRECHEEN. Mr. Speaker, just because CBO this time around didn't score it, doesn't mean it doesn't have a cost. It just means they didn't score it. The score from it 2 years ago was three-quarters of a billion dollars.

Mr. WESTERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I rise in opposition to H.R. 1101, the so-called Lumbee Fairness Act.

I am proud to represent North Carolina's 11th District, which is the home of the Eastern Band of Cherokee Indians, a Tribal Nation rich in culture, language, and sovereignty that is a true treasure to the State of North Carolina and to the United States.

In stark contrast, it must be noted that the Lumbee community has no standing treaties with the Federal Government, no reservation land, and no common language. The Office of Federal Acknowledgment under the U.S. Department of the Interior, or OFA, was established to provide a vigorous process that groups seeking Federal recognition must go through, including genealogical and historical research.

This legislation wholly bypasses the OFA process, and I believe that if the Lumbee community truly had a legitimate claim for Federal recognition, they would go through that process like other prospective Tribes have done.

Let us not circumvent our rules to bring this bill to the House floor with the purpose of circumventing the rules for an alleged Tribal Nation.

In my view, this legislation should have gone through the committee markup process before being put on the floor as a suspension bill, as has been done for numerous other bills this Congress, before being given consideration by the full House.

If the administration or Congress allows the Lumbee to bypass the OFA, it sends a clear message that other groups with dubious claims for Tribal

recognition can also avoid the deliberation and scrutiny that the OFA petition process is designed to provide.

Mr. Speaker, I urge my colleagues to vote "no" on this legislation.

Ms. KAMLAGER-DOVE. Mr. Speaker, as someone who represents Tribal communities in Los Angeles County who also seek recognition, it is tough stuff when Tribal Nations are fighting with one another.

I hope that we can find a "both/and" rather than an "either/or" to many of these discussions. I rarely find folks are trying to fake it and pretend that they are Native when they are not.

Mr. Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

□ 1630

Mr. WESTERMAN. Mr. Speaker, H.R. 1101 would extend Federal recognition to the Lumbee Tribe of North Carolina, ensuring its members are eligible for the services and benefits provided to members of all federally recognized Tribes.

Again, I thank the sponsor for his work on this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MOLINARO). The question is on the motion offered by the gentleman from Arkansas (Mr. WESTERMAN) that the House suspend the rules and pass the bill, H.R. 1101, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WESTERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

Mr. WESTERMAN. Proceedings will resume on questions previously postponed. Votes will be taken in the following order: