



December 3, 2024

The Honorable Bruce Westerman
Chairman
House Natural Resources Committee

The Honorable Raul Grijalva
Ranking Member
House Natural Resources Committee

The Honorable Brian Schatz
Chairman
Senate Committee on Indian Affairs

The Honorable Lisa Murkowski
Vice Chair
Senate Committee on Indian Affairs

Dear Chairman Westerman, Ranking Member Grijalva, Chairman Schatz, and Vice Chair Murkowski:

The United Indian Nations of Oklahoma, representing thirty-eight tribal nations, would like to respectfully bring to your attention new expert research that further solidifies historical research and continues to raise serious questions about the Lumbee group's claims regarding their identity as an Indian tribe. This research reveals significant historical and genealogical inconsistencies in Lumbee testimony that demonstrate the inaccuracy of assertions in the "Lumbee Fairness Act," S. 521 and H.R. 1101.

Among the most concerning findings is that Congressional recognition of the Lumbee group as a 100% full-blooded membership Indian tribe would be the first time in U.S. history that a group has received federal acknowledgment without identifying the historical tribe or tribes from which they claim to descend.

This research highlights fundamental gaps and definitional inconsistencies in the Lumbee genealogical and historical narrative. The Lumbee group has claimed various and inconsistent tribal identities at different times, including "Cherokee Indians of Robeson County," "Cheraw Indians," "Siouan Indians," and even the "Lost Colony of Roanoke," reflecting uncertainty about their own identity rather than a deep-rooted, demonstrable tribal identity. Indeed, the totality of Lumbee claims lacks properly attributed historical documentation and relies on speculative connections rather than verified facts. The Lumbees' claimed ancestors cannot be identified as affiliated with *any* Indian tribe.

Moreover, there are also questions about the Lumbee population and price tag of this legislation. In 2011, the Congressional Budget Office (CBO) score estimated that the Lumbee Recognition Act would cost the federal government \$846 million over 2012-2016. Inexplicably, the CBO

priced the 2022 legislation at \$363 million over the 2023-2027 period despite inflation, increased costs, and an estimated population increase of 9,000. New third-party estimates, accounting for inflation and an increase in the population of 6,000 members, price the cost of implementing the Lumbee Fairness Act for 2025-2029 at approximately \$1.74 billion.

While Congress has the authority to grant federal recognition, the unresolved questions surrounding the Lumbee's history are so significant that the only proper venue for a thorough review of the Lumbee's claims is the Office of Federal Acknowledgement (OFA). The OFA was established specifically to conduct a rigorous, evidence-based process for evaluating tribal recognition petitions. The OFA's comprehensive examination ensures that federal acknowledgment decisions are rooted in historical and genealogical facts. The Solicitor of the Interior confirmed in 2016 that the OFA process is available to the Lumbee.

Bypassing this established process and advancing legislation without addressing the significant questions raised by the research would be harmful to all established tribes with treaty and trust relations with the United States. It risks undermining the integrity of the federal recognition process and threatening the sovereignty and cultural heritage of legitimate tribes nationwide.

We strongly urge Congress to oppose the Lumbee Recognition Act and defer to the OFA's established procedures for evaluating claims made by the Lumbee group. The stakes are too high, and the risks too great, to proceed without thoroughly resolving these profound questions.

Furthermore, the Lumbee group continues to push not only for their recognition bill but also for their friends in Congress to block bills that would return sacred and historical lands to federally recognized tribes. This conduct and tactics are entirely inappropriate.

In the interest of preserving tribal sovereignty and the federal trust relationship, it is imperative that these issues be addressed before any consideration of federal acknowledgment is made.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Barnes', with a horizontal line extending to the right.

Ben Barnes
Chief, Shawnee Tribe
Chairman, United Indian Nations of Oklahoma