

**STATEMENT FOR THE RECORD
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
LEGISLATIVE HEARING ON S. 107, THE LUMBEE FAIRNESS ACT**

November 5, 2025

Thank you for the opportunity to provide this statement for the record on S.107, the Lumbee Fairness Act.

The Lumbee Tribe of North Carolina, recognized by the State of North Carolina since 1885, has sought federal recognition for more than a century. In 1956, Congress enacted the Lumbee Act, which identified the “Lumbee Indians of North Carolina” by name. The Act also contained language regarding the Lumbee Tribe’s eligibility for full federal benefits and services that has been interpreted as creating a statutory barrier to full participation in federal programs and services benefitting a federally recognized Indian tribe, and as precluding the Lumbee Tribe from pursuing federal acknowledgment through the Department of the Interior’s (Department) administrative process under 25 C.F.R. Part 83.

On January 23, 2025, President Trump issued a Presidential Memorandum to the Secretary of the Interior declaring that it is the policy of the United States to support the full federal recognition of the Lumbee Tribe, including the authority to access full federal benefits and services. The Memorandum directed the Secretary of the Interior to review all applicable authorities, in consultation with the Lumbee Tribe, and submit to the President a plan to assist the Lumbee Tribe in obtaining full federal recognition through legislation or other available mechanisms. The Lumbee Tribe’s leadership has continued to express to the Department their strong preference for federal recognition through an act of Congress over judicial action or the Part 83 process.

Federal recognition is a formal act by the United States government confirming a tribe’s existence as a distinct political entity and establishing a government-to-government relationship between the tribe and the federal government. Through federal recognition, the United States recognizes tribal sovereignty with a tribe exercising its rights of self-determination and self-governance over its peoples and community.

Since 1978, the Office of Federal Acknowledgment (OFA) has administered the Part 83 process, and it has been recognized for being thorough in its petition review. To date, the Department has granted eighteen petitions and denied thirty-four petitions for federal acknowledgment. Courts have unanimously upheld the Department’s authority to acknowledge tribes through the Part 83 process. In the past, Congress has legislated federal recognition of Indian tribes in unique statutory circumstances without undermining OFA’s regulatory role. For example, Congress has legislated to restore federal recognition to tribes previously subject to legislation terminating their relationship with the federal government. Legislative recognition of the Lumbee Tribe would not alter the availability or integrity of the Part 83 process for other groups. S. 107 is a case-specific resolution that addresses the unique statutory circumstances created by the 1956 Lumbee Act.

S. 107 would amend the 1956 Lumbee Act to extend federal recognition to the Lumbee Tribe and make the members of Lumbee Tribe eligible for all services and benefits provided by the

federal government to Indian tribes. Recognition of the Lumbee Tribe through S. 107 does not diminish the rights or status of currently federally recognized Indian tribes. The bill also authorizes the Department to acquire trust land for the benefit of the Lumbee Tribe within Robeson County, North Carolina under 25 C.F.R. Part 151, designates a service area for delivery of federal services and benefits, and clarifies the extent of the State of North Carolina's criminal and civil jurisdiction over lands occupied by the Lumbee Tribe. These latter provisions would not be addressed in any Part 83 determination by the Department.

The Department is committed to upholding its trust and treaty responsibilities to all Indian tribes and continues to strengthen tribal sovereignty across Indian Country. The Department supports S. 107 as the most direct means to resolve ambiguities in the 1956 Lumbee Act and federally recognize the Lumbee Tribe of North Carolina.

The Department appreciates the opportunity to provide this statement for the record on S. 107, the Lumbee Fairness Act, and would welcome the opportunity to work with the Sponsor and Committee on ensuring effective implementation of the bill.