

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:

The motion to recommit on H.R. 115; Passage of H.R. 115, if ordered; and Motions to suspend the rules with respect to:

S. 3448; and  
H.R. 1101.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute or 2-minute votes.

#### MIDNIGHT RULES RELIEF ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to recommit on the bill (H.R. 115) to amend chapter 8 of title 5, United States Code, to provide for en bloc consideration in resolutions of disapproval for “midnight rules”, and for other purposes, offered by the gentlewoman from Illinois (Mrs. RAMIREZ), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 198, nays 211, not voting 21, as follows:

[Roll No. 508]

#### YEAS—198

Adams	Doggett	Lofgren
Aguilar	Escobar	Lynch
Amo	Esch	Magaziner
Auchincloss	Espallat	Manning
Balint	Fletcher	Matsui
Barragan	Foster	McBath
Beatty	Foushee	McClellan
Bera	Frankel, Lois	McCollum
Beyer	Frost	McGarvey
Bishop (GA)	Gallego	McGovern
Blunt Rochester	Garamendi	McIver
Bonamici	Garcia (IL)	Meeks
Boyle (PA)	Garcia (TX)	Menendez
Brown	Garcia, Robert	Meng
Brownley	Golden (ME)	Mfume
Budzinski	Goldman (NY)	Moore (WI)
Bush	Gomez	Morelle
Caraveo	Gonzalez, V.	Moskowitz
Carbajal	Gottheimer	Moulton
Cardenas	Green, Al (TX)	Mrvan
Carson	Harder (CA)	Mullin
Carter (LA)	Hayes	Nadler
Cartwright	Himes	Napolitano
Casar	Horsford	Neal
Case	Houlihan	Neguse
Casten	Hoyle (OR)	Nickel
Castor (FL)	Huffman	Norcross
Castro (TX)	Ivey	Ocasio-Cortez
Cherfilus-	Jackson (IL)	Omar
McCormick	Jackson (NC)	Pallone
Chu	Jacobs	Panetta
Clark (MA)	Jayapal	Pappas
Clarke (NY)	Jeffries	Peltola
Cleaver	Johnson (GA)	Perez
Clyburn	Kamlager-Dove	Peters
Cohen	Kaptur	Phillips
Connolly	Keating	Pingree
Correa	Kelly (IL)	Pocan
Costa	Kennedy	Pressley
Courtney	Khanna	Quigley
Craig	Kildee	Ramirez
Crockett	Kilmer	Raskin
Cuellar	Krishnamoorthi	Ross
Davids (KS)	Kuster	Ruiz
Davis (IL)	Landsman	Ruppersberger
Davis (NC)	Larsen (WA)	Ryan
Dean (PA)	Larson (CT)	Salinas
DeGette	Lee (CA)	Sanchez
DeLauro	Lee (NV)	Sarbanes
DelBene	Lee (PA)	Scanlon
Deluzio	Lee Carter	Schakowsky
DeSaulnier	Leger Fernandez	Schneider
Dingell	Levin	Scholten

Schrier	Strickland	Trahan
Scott (VA)	Suozzi	Underwood
Scott, David	Swallow	Vargas
Sewell	Sykes	Vasquez
Sherman	Takano	Veasey
Sherrill	Thanedar	Velázquez
Slotkin	Thompson (CA)	Wasserman
Smith (WA)	Thompson (MS)	Schultz
Sorensen	Titus	Waters
Soto	Tlaib	Watson Coleman
Spanberger	Tokuda	Wexton
Stansbury	Tonko	Williams (GA)
Stanton	Torres (CA)	Wilson (FL)
Stevens	Torres (NY)	

#### NAYS—211

Garbarino	Molinaro
Gimenez	Moolenaar
Gonzales, Tony	Mooney
Good (VA)	Moore (AL)
Gooden (TX)	Moore (UT)
Gosar	Moran
Graves (LA)	Murphy
Graves (MO)	Nehls
Green (TN)	Newhouse
Greene (GA)	Norman
Griffith	Nunn (IA)
Grothman	Obernolte
Guest	Ogles
Guthrie	Owens
Hageman	Palmer
Harris	Pence
Harshbarger	Perry
Hern	Pfuger
Higgins (LA)	Posey
Hill	Reschenthaler
Hinson	Rogers (AL)
Houchin	Rogers (KY)
Hudson	Rose
Huizenga	Rosendale
Hunt	Rouzer
Issa	Roy
Jackson (TX)	Rulli
James	Rutherford
Johnson (LA)	Salazar
Johnson (SD)	Scalise
Jordan	Schweikert
Joyce (OH)	Scott, Austin
Joyce (PA)	Self
Kean (NJ)	Sessions
Kelly (MS)	Simpson
Kiggans (VA)	Smith (MO)
Kiley	Smith (NE)
Kim (CA)	Smith (NJ)
Kustoff	Smucker
LaHood	Spartz
LaLota	Staubert
Lamborn	Steel
Langworthy	Stefanik
Latta	Steil
LaTurner	Steube
Lawler	Strong
Lee (FL)	Tenney
Lesko	Thompson (PA)
Letlow	Tiffany
Lopez	Timmons
Loudermilk	Turner
Lucas	Valadao
Luetkemeyer	Van Drew
Luna	Van Dwyne
Luttrell	Van Orden
Mace	Wagner
Malliotakis	Walberg
Maloy	Weber (TX)
Mann	Webster (FL)
Massie	Wenstrup
Mast	Westerman
McCaul	Wied
McClain	Williams (NY)
McClintock	Williams (TX)
McCormick	Wilson (SC)
Meuser	Wittman
Miller (IL)	Womack
Miller (OH)	Yakym
Miller (WV)	Zinke
Miller-Meeks	
Mills	

#### NOT VOTING—21

Allred	Granger	Pelosi
Blumenauer	Grijalva	Petterson
Bowman	Hoyer	Porter
Chavez-DeRemer	Kelly (PA)	Rodgers (WA)
Crow	LaMalfa	Trone
Evans	Lieu	Waltz
Garcia, Mike	McHenry	Wild

□ 1658

Messrs. KUSTOFF, JOYCE of Pennsylvania, FITZGERALD, MOORE of Alabama, VAN DREW, STAUBER, GRAVES of Louisiana, LUCAS, and BABIN changed their vote from “yea” to “nay.”

Ms. KAPTUR, Mr. DOGGETT, Ms. LEGER FERNANDEZ, Mr. LYNCH, and Ms. PRESSLEY changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. PETERSEN. Mr. Speaker, I missed a vote today on the Motion to Recommit on H.R. 115. Had I been present, I would have voted YEA on Roll Call No. 508.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 210, nays 201, not voting 18, as follows:

[Roll No. 509]

#### YEAS—210

Aderholt	Edwards	Kim (CA)
Alford	Ellzey	Kustoff
Allen	Emmer	LaHood
Amodei	Ezell	LaLota
Arrington	Fallon	LaMalfa
Babin	Feenstra	Lamborn
Bacon	Ferguson	Langworthy
Baird	Finstad	Latta
Balderson	Fischbach	LaTurner
Banks	Fitzgerald	Lawler
Barr	Fleischmann	Lee (FL)
Bean (FL)	Flood	Lesko
Bentz	Fong	Letlow
Bergman	Fox	Lopez
Bice	Franklin, Scott	Loudermilk
Biggs	Fry	Lucas
Bilirakis	Fulcher	Luetkemeyer
Bishop (NC)	Garbarino	Luna
Boebert	Gimenez	Luttrell
Bost	Gonzales, Tony	Mace
Brecheen	Good (VA)	Malliotakis
Buchanan	Gooden (TX)	Maloy
Bucshon	Gosar	Mann
Burchett	Graves (LA)	Massie
Burgess	Graves (MO)	Mast
Burlison	Green (TN)	McCaul
Calvert	Greene (GA)	McClain
Cammack	Griffith	McClintock
Carey	Grothman	McCormick
Carl	Guest	Meuser
Carter (GA)	Guthrie	Miller (IL)
Carter (TX)	Hageman	Miller (OH)
Ciscomani	Harris	Miller (WV)
Cline	Harshbarger	Miller-Meeks
Cloud	Hern	Mills
Clyde	Higgins (LA)	Molinaro
Cole	Hill	Moolenaar
Collins	Hinson	Mooney
Comer	Houchin	Moore (AL)
Crane	Hudson	Moore (UT)
Crawford	Huizenga	Moran
Crenshaw	Hunt	Murphy
Cuellar	Issa	Nehls
Davids (KS)	Jackson (TX)	Newhouse
Davis (IL)	James	Norman
Davis (NC)	Johnson (SD)	Nunn (IA)
De La Cruz	Jordan	Obernolte
DesJarlais	Joyce (OH)	Ogles
Diaz-Balart	Joyce (PA)	Owens
Donalds	Kean (NJ)	Palmer
Duarte	Kelly (MS)	Pence
Duncan	Kiggans (VA)	Perry
Dunn (FL)	Kiley	Pfuger