

GRAND RONDE RESERVATION ACT AMENDMENT OF 2023

NOVEMBER 3, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1722]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1722) to amend the Grand Ronde Reservation Act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 1722 is to amend the Grand Ronde Reservation Act, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1722 would amend the Grand Ronde Reservation Act to reflect that the Grand Ronde tribe's extinguishment of land claims against the United States only applies to an 84-acre parcel of land, known as the Thompson Strip. The bill would also add a gaming prohibition for any future land awarded as part of a land claims settlement and prohibits the use of money received as part of a land claim settlement to purchase land for gaming purposes pursuant to the Indian Gaming Regulatory Act.¹

The Confederated Tribes of the Grand Ronde Community of Oregon were among several tribes in Western Oregon that entered into treaties with the United States in the 1850s.² In 1857, Presi-

¹ 25 U.S.C. 2701 et seq.

² "Treaties" Confederated Tribes of Grand Ronde. <https://www.grandronde.org/history-culture/history/treaties/>.

dent James Buchanan established the Grand Ronde Reservation.³ At the time, the reservation was more than 60,000 acres. Today, the Grand Ronde are treated by the federal government as a single tribe for federal purposes such as the delivery of services and benefits.

In 1988, Congress enacted the Grand Ronde Reservation Act.⁴ This Act and subsequent acts created a reservation for the tribe mostly within the boundaries of the former 1857 Grand Ronde Reservation in Polk and Yamhill Counties, Oregon.⁵ Today, the tribe has a total of 10,311 acres of trust land. According to the tribe, all but 259 acres of these lands are forested, and the tribe is actively engaged in timber management. The non-forested trust parcels host tribal buildings and housing, a casino, and other infrastructure.⁶

On October 31, 1988, the Bureau of Land Management (BLM) discovered that several surveying errors had been made along the southeast boundary of the Tribe's reservation. On the realization of the error, the BLM contacted the tribe to correct the situation. In 1994, the tribe and BLM agreed to a land transfer, which Congress included as part of a larger Indian technical corrections bill.⁷

While the tribe received compensatory lands under this law, it was determined that the "extinguishment of claims" phrase used in the bill included all, and potential future, land claims within the entire State of Oregon. The tribe contends that this was done in error and not intended to bar it from other potential land claims. H.R. 1722 would amend current law to reflect that the tribe is only barred from bringing a future land claim on the 84-acre Thompson Strip parcel.

COMMITTEE ACTION

H.R. 1722 was introduced on March 22, 2023, by Rep. Andrea Salinas (D-OR). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian and Insular Affairs. On June 7, 2023, the Subcommittee on Indian and Insular Affairs held a hearing on the bill. On July 26, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Indian and Insular Affairs was discharged from further consideration of H.R. 1722 by unanimous consent. The bill was then ordered favorably reported to the House of Representatives by a roll call vote of 32 yeas to 0 nays, as follows:

³Executive Order Issued by James Buchanan (June 30, 1857).

⁴Pub. L. No. 100-425, 102 Stat. 1594, as amended by Pub. L. No. 100-581, Pub. L. No. 101-301, Pub. L. No. 102-497, Pub. L. No. 103-263, Pub. L. No. 103-435, and Pub. L. No. 105-256.

⁵"Confederated tribes of the Grand Ronde", Tiller's Guide to Indian Country, Edited and Compiled by Veronica E. Velarde Tiller (2015).

⁶*Id.*

⁷P.L. 103-435; 25 U.S.C. 713f note, subsection d.

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: July 26, 2023

Roll Call# 8

Meeting on / Amendment on: **On Favorably Reporting H.R. 1722 (Rep. Salinas), To amend the Grand Ronde Reservation Act, and for other purposes. "Grand Ronde Reservation Act Amendment of 2023."**

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman	X			Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO				Ms. Napolitano, CA			
Mr. Wittman, VA	X			Mr. Sablan, CNMI			
Mr. McClintock, CA	X			Mr. Huffman, CA			
Mr. Gosar, AZ	X			Mr. Gallego, AZ			
Mr. Graves, LA				Mr. Neguse, CO	X		
Mrs. Radewagen, AS	X			Mr. Levin, CA	X		
Mr. LaMalfa, CA	X			Ms. Porter, CA	X		
Mr. Webster, FL	X			Ms. Leger Fernandez, NM	X		
Ms. González-Colón, PR				Ms. Stansbury, NM	X		
Mr. Fulcher, ID	X			Mrs. Peltola, AK	X		
Mr. Stauber, MN	X			Ms. Ocasio-Cortez, NY	X		
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI				Ms. Hoyle, OR	X		
Mr. Carl, AL	X			Ms. Kamlager-Dove, CA			
Mr. Rosendale, MT	X			Mr. Magaziner, RI	X		
Mrs. Boebert, CO	X			Ms. Velazquez, NY			
Mr. Bentz, OR	X			Mr. Case, HI			
Ms. Kiggans, VA	X			Mrs. Dingell, MI	X		
Mr. Movlan, Guam	X			Ms. Lee, NV	X		
Mr. Hunt, TX	X						
Mr. Collins, GA	X						
Ms. Luna, FL							
Mr. Duarte, CA	X						
Ms. Hageman, WY	X						
				TOTAL:	32	0	

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Indian and Insular Affairs held on June 7, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of the Act as the “Grand Ronde Reservation Act Amendment of 2023.”

Section 2. Grand Ronde Reservation Act amendment

Section 2 amends the Grand Ronde Reservation Act⁸ by striking “lands within the state of Oregon” and inserting “the 84 acres known as the Thompson Strip” and includes a gaming prohibition on lands received as part of any future land claim settlement and prohibits the use of money received as part of a land claim settlement to purchase land for gaming purposes.

Section 3. Treaty rights of federally recognized tribes

Section 3 provides that the Act shall not be construed to modify any treaty right of any Indian tribe.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

⁸See *supra* note 4.

H.R. 1722, Grand Ronde Reservation Act Amendment of 2023			
As ordered reported by the House Committee on Natural Resources on July 26, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
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	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
		Contains intergovernmental mandate?	Yes, Under Threshold
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 1722 would revise the tribal land claims of the Confederated Tribes of the Grand Ronde Community in Oregon that were extinguished by the Grand Ronde Reservation Act. That act authorized the Department of the Interior (DOI) to provide 240 acres of land to the tribes. In exchange, the tribes relinquished their right to pursue claims to all other land within the state. H.R. 1722 would lower the amount of relinquished land to a specific 84-acre parcel, which would allow the tribes to acquire additional land in Oregon to which they have a valid claim.

Using information from DOI, CBO estimates that the agency would incur insignificant administrative costs to update documents related to the affected land. Any spending would be subject to the availability of appropriated funds.

H.R. 1722 would impose an intergovernmental mandate—as defined in the Unfunded Mandates Reform Act (UMRA)—on the confederated tribes by prohibiting gaming on tribal land in Oregon. That prohibition would apply to land obtained by the tribe in a land claim settlement or purchased with funds from a settlement. Because gaming on such land is currently allowed under federal law, the proposed ban would be a mandate. However, because gaming does not occur now on the tribal land and the tribes have no plans to begin gaming activities on those lands, the cost of the mandate would be small and below the threshold established in UMRA (\$99 million in 2023, adjusted annually for inflation).

The bill contains no private-sector mandates as defined in UMRA.

The CBO staff contacts for this estimate are Julia Aman (for federal costs) and Rachel Austin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective

of this bill is to amend the Grand Ronde Reservation Act, and for other purposes.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office (CBO), H.R. 1722 would impose an intergovernmental mandate, as defined in the Unfunded Mandates Reform Act (UMRA), on the confederated tribes by prohibiting gaming on tribal land in Oregon. The cost of the mandate, according to CBO, would be small and below the established threshold (\$99 million in 2023, adjusted annually for inflation). The bill contains no private-sector mandates as defined in UMRA.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

PUBLIC LAW 100-425

AN ACT To establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes.

SECTION 1. ESTABLISHMENT OF RESERVATION.**(a) LANDS HELD IN TRUST; RESERVATION.—**

(1) **IN GENERAL.**—Subject to valid existing rights, including all valid liens, rights-of-way, reciprocal road rights-of-way agreements, licenses, leases, permits, and easements existing on the date of enactment of this Act, all right, title, and interest of the United States in and to the land described in subsection (c) is hereby held in trust for the use and benefit of the Confederated Tribes of the Grand Ronde Community of Oregon (referred to in this Act as the “Tribes”).

(2) **TREATMENT.**—The land referred to in paragraph (1) shall constitute the reservation of the Confederated Tribes of the Grand Ronde Community of Oregon and shall be subject to the Act entitled “An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes”, approved June 18, 1934 (25 U.S.C. 461 et seq.).

(3) ADDITIONAL TRUST ACQUISITIONS.—

(A) **IN GENERAL.**—The Secretary may accept title in and to any additional real property located within the boundaries of the original 1857 reservation of the Tribes (as established by the Executive order dated June 30, 1857, and comprised of land within the political boundaries of Polk and Yamhill Counties, Oregon), if that real property is conveyed or otherwise transferred to the United States by, or on behalf of, the Tribes.

(B) TREATMENT OF TRUST LAND.—

(i) **IN GENERAL.**—An application to take land into trust within the boundaries of the original 1857 reservation of the Tribes shall be treated by the Secretary as an on-reservation trust acquisition.

(ii) GAMING.—

(I) **IN GENERAL.**—Except as provided in subclause (II), real property taken into trust pursuant to this paragraph shall not be eligible, or used, for any class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(II) **EXCEPTION.**—Subclause (I) shall not apply to any real property located within 2 miles of the gaming facility in existence on the date of enactment of this paragraph located on State Highway 18 in the Grand Ronde community, Oregon.

(C) **RESERVATION.**—All real property taken into trust within the boundaries described in subparagraph (A) at any time after September 9, 1988, shall be considered to be a part of the reservation of the Tribes.

(b) **TREATMENT OF RECEIPTS FROM RESERVATION LANDS.**—Beginning on the date of enactment of this Act, all receipts from the

lands described in subsection (c) shall accrue to the Confederated Tribes of the Grand Ronde Community of Oregon. This subsection shall not apply to receipts from timber on such lands which was removed before the date of enactment of this Act.

(c) LANDS DESCRIBED.—The lands referred to in subsection (a)(1) are the approximately 11,349.92 acres of land located in Oregon and more particularly described as:

Willamette Meridian, Oregon

Township Range

South	West	Section	Subdivision	Acres
4	8	36	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
4	7	31	Lots 1,2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$	320.89
5	7	6	All	634.02
5	7	7	All	638.99
5	7	18	Lots 1 & 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$	320.07
5	8	1	SE $\frac{1}{4}$	160
5	8	3	All	635.60
5	8	7	All	661.75
5	8	8	All	640
5	8	9	All	640
5	8	10	All	640
5	8	11	All	640

South	West	Section	Subdivision	Acres
5	8	12	All	640
5	8	13	All	640
5	8	14	All	640
5	8	15	All	640
5	8	16	All	640
5	8	17	All	640
6	8	1	SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	53.78
6	8	1	S $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.03
6	7	7, 8, 17, 18	Former tax lot 800, located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 7; SW $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 8; NW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 17; and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 18	5.55
4	7	30	Lots 3,4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$	241.06
6	8	1	N $\frac{1}{2}$ SW $\frac{1}{4}$	29.59
6	8	12	W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	21.70
6	8	13	W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.31
6	7	7	E $\frac{1}{2}$ E $\frac{1}{2}$	57.60
6	7	8	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$	22.46
6	7	17	NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.84
6	7	18	E $\frac{1}{2}$ NE $\frac{1}{4}$	43.42

South	West	Section	Subdivision	Acres
6	8	1	W1/2 SE1/4 SE1/4	20.6
6	8	1	N1/2 SW1/4 SE1/4	19.99
6	8	1	SE1/4 NE1/4	9.99
6	8	1	NE1/4 SW1/4	10.46
6	8	1	NE1/4 SW1/4, NW1/4 SW1/4	12.99
6	7	6	SW1/4 NW1/4	37.39
6	7	5	SE1/4 SW1/4	24.87
6	7	5, 8	SW1/4 SE1/4 of sec. 5; and NE1/4 NE1/4, NW1/4 NE1/4, NE1/4 NW1/4 of sec. 8	109.9
6	8	1	NW1/4 SE1/4	31.32
6	8	1	NE1/4 SW1/4	8.89
6	8	1	SW1/4 NE1/4, NW1/4 NE1/4	78.4
6	7	8, 17	SW1/4 SW1/4 of sec. 8; and NE1/4 NW1/4, NW1/4 NW1/4 of sec. 17	14.33
6	7	17	NW1/4 NW1/4	6.68
6	8	12	SW1/4 NE1/4	8.19
6	8	1	SE1/4 SW1/4	2.0
6	8	1	SW1/4 SW1/4	5.05
6	8	12	SE1/4, SW1/4	54.64
6	7	17, 18	SW1/4, NW1/4 of sec. 17; and SE1/4, NE1/ 4 of sec. 18	136.83
6	8	1	SW1/4 SE1/4	20.08
6	7	5	NE1/4 SE1/4, SE1/4 SE1/4, E1/2 SE1/4 SW1/4	97.38
4	7	31	SE1/4	159.60

South	West	Section	Subdivision	Acres
6	7	17	NW1/4 NW1/4	3.14
6	8	12	NW1/4 SE1/4	1.10
6	7	8	SW1/4 SW1/4	0.92
6	8	12	NE1/4 NW1/4	1.99
6	7, 8	7, 12	NW1/4 NW1/4 of sec. 7; and S½ NE¼ E½	86.48
			NE¼ NE¼ of sec. 12	
6	8	12	NE1/4 NW1/4	1.56
6	7,8	6,1	W1/2 SW1/4 SW1/4 of sec. 6; and E½	35.82
			SE¼ SE¼ of sec. 1	
6	7	5	E1/2 NW1/4 SE1/4	19.88
6	8	12	NW1/4 NE1/4	0.29
6	8	1	SE1/4 SW1/4	2.5
6	7	8	NE1/4 NW1/4	7.16
6	8	1	SE1/4 SW1/4	5.5
6	8	1	SE1/4 NW1/4	1.34
Total				11,349

(d) CLAIMS EXTINGUISHED; LIABILITY.—

(1) CLAIMS EXTINGUISHED.—All claims to [lands within the State of Oregon] *the 84 acres known as the Thompson Strip* based upon recognized title to the Grand Ronde Indian Reservation established by the Executive order of June 30, 1857, pursuant to treaties with the Kalapuya, Molalla, and other tribes, or any part thereof by the Confederated Tribes of the Grand Ronde Community of Oregon, or any predecessor or successor in interest, are hereby extinguished, and any transfers pursuant to the Act of April 28, 1904 (Chap. 1820; 33 Stat. 567) or other statute of the United States, by, from, or on behalf of the Confederated Tribes of the Grand Ronde Community of Oregon, or any predecessor or successor interest, shall be deemed to have been made in accordance with the Constitution and all laws of the United States that are specifically applicable to transfers of lands or natural resources from, by, or on behalf of any Indian, Indian nation, or tribe of Indians (including, but not limited to, the Act of July 22, 1790, commonly known as the "Trade and Intercourse Act of 1790" (1 Stat. 137, chapter 33, section 4)).

(2) GAMING PROHIBITION.—*Any real property obtained by the Tribes as part of a land claim settlement approved by the United States, including any real property purchased with funds granted as part of any land claim settlement, shall not*

be eligible, or used, for any class II gaming or class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (as those terms are defined in section 4 of that Act (25 U.S.C. 2703)).

[(2)] (3) **LIABILITY.**—The Tribe shall assume responsibility for lost revenues, if any, to any county because of the transfer of revested Oregon and California Railroad grant lands in section 30, Township 4 South, Range 7 West.

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