

LOWER ELWHA KLALLAM TRIBE PROJECT LANDS
RESTORATION ACT

SEPTEMBER 15, 2025.—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. 2388]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2388) to take certain Federal land in the State of Washington into trust for the Lower Elwha Klallam Tribe, 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. 2388 is to take certain Federal land in the State of Washington into trust for the Lower Elwha Klallam Tribe, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Lower Elwha Klallam Tribe is located within the Olympic Peninsula in northwest Washington and has approximately 984 enrolled members.¹ Today, the tribe's land encompasses around 1,000 acres near the Elwha River.² The tribe signed the Treaty of Point No Point in 1855, which entitled them to share a small reservation with their rival tribe that was not on their traditional lands of the Strait of Juan de Fuca and Discovery Bay.³ After signing the treaty, most tribal members opted not to live on their reservation, but rather by the rivers, shorelines, and sites of their ancestral burial grounds.⁴ Through the Indian Reorganization Act of 1934, the Federal Government acquired 372 acres of land and assigned it to fourteen families in the tribe. In 1968, the tribe received federal rec-

¹ Tiller, Veronica E. Velarde. *Tiller's Guide to Indian Country: Economic Profiles of American Indian Reservations*. 3rd ed. Pg. 744.

² Elwha Klallam Tribe. *The Strong People*. <https://www.elwha.org/>.

³ Tiller, Veronica E. Velarde. *Tiller's Guide to Indian Country: Economic Profiles of American Indian Reservations*. 3rd ed. Pg. 744.

⁴ *Id.*

ognition, which included the acres given to the families.⁵ As a result of federal recognition, the Lower Elwha Reservation was formally established for the tribe.⁶

H.R. 2388, sponsored by Rep. Emily Randall (D–WA), would take approximately 1,083 acres of National Park Service (NPS) land into trust for the Lower Elwha Klallam Tribe. The NPS acquired most of the land in the 1990s through the *Elwha River Ecosystems and Fisheries Restoration Act* (Elwha Act).⁷ Under the Elwha Act, the Elwha and Glines Canyon dams were to be removed in an effort to restore the Elwha River and the native Anadromous fisheries (i.e. species of salmon and trout). The Elwha Dam removal began in 2011 and ended in 2014. The Elwha Act also required the NPS to identify lands to transfer to the Lower Elwha Klallam Tribe for housing, cultural, or economic development purposes and place them into trust.⁸ The remaining land was acquired by the Department of the Interior to construct a surface water pipeline for the tribe’s fish hatchery.⁹

COMMITTEE ACTION

H.R. 2388 was introduced on March 26, 2025, by Representative Emily Randall (D–WA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian and Insular Affairs. On May 20, 2025, the Subcommittee on Indian and Insular Affairs held a hearing on the bill. On June 25, 2025, 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. 2388 by unanimous consent. The bill was ordered favorably reported to the House of Representatives by unanimous consent.

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 May 20, 2025.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 names the Act the “Lower Elwha Klallam Tribe Project Lands Restoration Act”.

Section 2. Land taken into trust for the Lower Elwha Klallam Tribe

Section 2 places 1,082.63 acres of federal land into trust for the Lower Elwha Klallam Tribe. Pursuant to the Indian Gaming Regulatory Act, this section also prohibits gaming on the land placed into trust.

⁵*Id.*

⁶*Id.*

⁷P.L. 102–495.

⁸P.L. 102–495 Sec. 3(c)(3).

⁹Senator Maria Cantwell, Cantwell, Murray, Randall Introduce Legislation to Place Lower Elwha Klallam Tribe and Quinault Indian Nation Lands into Trust. April 18, 2025. <https://www.cantwell.senate.gov/news/press-releases/cantwell-murray-randall-introduce-legislation-to-place-lower-elwha-klallam-tribe-and-quinault-indian-nation-lands-into-trust>.

Section. 3. No impact on treaty rights

Section 3 stipulates that nothing in this Act will affect treaty rights under the Treaty between the United States of America and the S'Klallams Indians, concluded at Point no Point, Washington Territory, January 26, 1855 (12 Stat. 933) (commonly known as the "Treaty of Point No Point").

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.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

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 take certain Federal land in the State of Washington into trust for the Lower Elwha Klallam Tribe, 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

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

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

As ordered reported by the Committee on Natural Resources, H.R. 2388 would make no changes in existing law.

