

Committee on Natural Resources
Subcommittee for Indigenous Peoples of the United States
Hybrid Legislative Hearing
April 27, 2022 at 1:00 p.m. ET

Legislative Hearing on H.R. 437, H.R. 6063, H.R. 6181 [Discussion Draft ANS], S. 314, S. 559, and S. 789

Questions from Rep. Grijalva for Hon. Cheryle A. Kennedy, Chairwoman, Confederated Tribes of Grand Ronde

1. When did the Tribe realize that the Grand Ronde Reservation Act contained harmful language errors?

Chairwoman Kennedy: We discovered this problem about 9 years ago, when we were working on another amendment to the Grand Ronde Reservation Act.

2. What would happen if the Tribe received recent news of other historical survey errors?

Chairwoman Kennedy: If another survey error was discovered, we would not be able to engage in a land swap or be compensated for the error.

a. What actions would your tribal government be able to take?

Chairwoman Kennedy: We would not have any legal options.

3. Your testimony mentions some essential points regarding the slight change in language to this bill from the version introduced in the 116th Congress.

a. Can you speak to the intent of this change?

Chairwoman Kennedy: If there is a land claim settlement for a survey error, the Tribe would either receive land or it would receive monetary funds as compensation. We have agreed that we could not use either land we receive, or land claim funds we use to purchase land, as a means to authorize a casino, or any other type of gaming.

In the Senate version of the original bill, Senator Wyden requested that we change the legislative language so that it included any land that we obtain in a land claim, whether the land is transferred to us, or if we buy the land with any land claim funds. This version of the bill has passed the Senate twice, both without any opposition whatsoever.

Even though we changed this language in the Senate, there are still concerns about whether Grand Ronde would have the ability to use land claims monies to buy land and then turn around and ask Interior for authorization to conduct gaming under the Indian Gaming Regulatory Act.

It has never been our intention to use any land claims monies for a casino. In my testimony before this Committee, I recommended Committee Report language to make it even more clear that land claim monies can't be used for this purpose.

One of our neighboring tribes, the Cowlitz Tribe, had similar questions about the gaming prohibition in our bill. After some good discussions between Grand Ronde and Cowlitz, Cowlitz said they would not oppose our bill if the Committee adopts the Report language we have recommended in my testimony and we make it clear in that language that our gaming prohibition language includes the implementing regulations in Section 20 of the Indian Gaming Regulatory Act. We have agreed to support this language change to our draft Committee Report language and now propose the following Committee Report language to S. 559:

Under Section 1 of the bill, there is a prohibition on class II and class III gaming on any land obtained by the Tribes as part of a land claim settlement. It is the intent of the Committee that any real property transferred to, or otherwise obtained by, the Tribes, as part of a land claim settlement approved by the United States, including property purchased with Federal, State, or other funds granted as part of any land claim settlement, shall not be eligible, or used, for any class II or class III gaming (as those terms are defined in Section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)). This language is also intended to include and prohibit any application of the land claim settlement exception in Section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719) and its implementing regulations.