



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: House Committee on Natural Resources Republican Members
From: Indian and Insular Affairs Subcommittee staff, Ken Degenfelder
(Ken.Degenfelder@mail.house.gov) and Jocelyn Broman
(Jocelyn.Broman@mail.house.gov) x6-9725
Date: Wednesday, June 7, 2023
Subject: Legislative Hearing on six bills: H.R. 630, H.R. 1240, H.R. 1722, H.R. 2461,
H.R. 2839, and H.R. 3371

The Subcommittee on Indian and Insular Affairs will hold a legislative hearing on six bills: **H.R. 630 (Grijalva)**, the “*Urban Indian Health Confer Act*”; **H.R. 1240 (Feenstra)**, the “*Winnebago Land Transfer Act of 2023*”, **H.R. 1722 (Salinas)**, “*Grand Ronde Reservation Act Amendment of 2023*”, **H.R. 2461 (Crane)**, the “*San Juan Southern Paiute Tribal Homelands Act of 2023*”, **H.R. 2839 (Hoyle)**, To amend the Siletz Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of Siletz Indians, and for other purposes, and **H.R. 3371 (Johnson of SD)**, the “*Wounded Knee Massacre Memorial and Sacred Site Act*” on **Wednesday, June 7, 2023, at 10:00 a.m. EDT in 1324 Longworth House Office Building.**

Member offices are requested to notify Ransom Fox (Ransom.Fox@mail.house.gov) by 4:30pm on Tuesday, June 6, 2023, if their member intends to participate in the hearing.

I. KEY MESSAGES

- H.R. 630 would require all agencies within the Department of Health and Human Services to establish an Urban Indian Organization (UIO) confer policy. Currently, only the Indian Health Service is required to confer with UIOs.
- H.R. 1240 would transfer administrative jurisdiction of approximately 1,600 acres of land from the Army Corps of Engineers in the state of Iowa to the Bureau of Indian Affairs (BIA) to be held in trust for the Winnebago Tribe of Nebraska.
- 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.
- H.R. 2461 would establish an approximate 5,400-acre reservation for the San Juan Southern Paiute Tribe from lands that are currently a part of the Navajo Nation’s reservation in Arizona. The legislation would also ratify a treaty between the tribes signed in 2000, which contains terms clarifying the sovereign authority of both tribes, providing lands for a San Juan Southern Paiute reservation.

- H.R. 2839 would amend the Siletz Reservation Act to allow the Confederated Tribes of Siletz Indians and the State of Oregon mutually agree to amend or replace the current consent decree governing the tribe’s hunting, fishing, trapping, and animal gathering rights.
- H.R. 3371 would place approximately 40 acres of fee land into restricted fee status for the Oglala Sioux Tribe and Cheyenne River Sioux Tribe. The land would be held in memorial as a sacred site for the approximately 300 Indians killed in the Wounded Knee Massacre in 1890.

II. WITNESSES

Panel I:

- **The Hon. Bryan Newland**, Assistant Secretary—Indian Affairs, U.S. Department of the Interior, Washington D.C. [*H.R. 1240, H.R. 1722, H.R. 2461, H.R. 2839, and H.R. 3371*]
- **The Hon. Melanie Anne Egorin, Ph.D.**, Assistant Secretary for Legislation, U.S. Department of Health and Human Services, Washington D.C. [*H.R. 630*]

Panel II:

- **The Hon. Victoria Kitcheyan**, Chairwoman, Winnebago Tribe of Nebraska, Winnebago, NE [*H.R. 1240*]
- **The Hon. Johnny Lehi Jr.**, President, San Juan Southern Paiute Tribe, Tuba City, AZ [*H.R. 2461*]
- **The Hon. Ryman LeBeau**, Chairman, Cheyenne River Sioux Tribe, Eagle Butte, SD [*H.R. 3371*]
- **The Hon. Frank Star Comes Out**, President, Oglala Sioux Tribe, Pine Ridge, SD [*H.R. 3371*]
- **The Hon. Alfred “Bud” Lane III**, Vice-Chairman, Confederated Tribes of Siletz Indians, Siletz, OR [*H.R. 2839*] [*Minority Witness*]
- **Ms. Francys Crevier**, CEO, National Council of Urban Indian Health, Washington, D.C. [*H.R. 630*] [*Minority Witness*]
- **The Hon. Michael Langley**, Tribal Council Secretary, Confederated Tribes of the Grand Ronde, Grand Ronde, OR [*H.R. 1722*] [*Minority Witness*]

III. BACKGROUND

[H.R. 630 \(Rep. Grijalva\), “Urban Indian Health Confer Act”](#)

H.R. 630 would require all agencies within the Department of Health and Human Services (HHS) to establish an Urban Indian Organization (UIO) confer policy. Currently, only the Indian Health Service (IHS) is required to confer with UIOs.

IHS is the primary agency of HHS that provides healthcare to approximately 2.8 million American Indians and Alaska Natives (AI/ANs).¹ The agency offers “direct-service”

¹ Indian Health Service Budget Justification FY 2024 at CJ-1. Available at: https://www.ihs.gov/sites/budgetformulation/themes/responsive2017/display_objects/documents/FY2024-IHS-CJ32223.pdf.

healthcare, meaning care provided by federal employees, and it also acts as a conduit for federal funds for tribes that have utilized the Indian Self-Determination and Education Assistance Act (ISDEAA)² to independently operate their health facilities. The IHS also administers programs for Indians in urban areas.

The IHS's Urban Indian Health Program (UIHP) consists of 41 non-profit 501(c)(3) programs nationwide. The programs are funded through grants and contracts from the IHS, under the Indian Health Care Improvement Act (IHCIA).³ Urban Indian organizations (UIOs) that participate in the program provide services such as information services, outreach and referral, dental services, comprehensive primary care services, limited primary care services, and community health services.⁴

Out of respect for the government-to-government relationship the United States has with the 574 federally recognized Indian tribes, the United States and its agencies consult with Indian tribes on proposed actions that may affect their interests. This obligation was formalized in Executive Order 13175, which contained instructions for agencies to establish procedures to ensure “meaningful consultation and collaboration with tribal officials with tribal officials in the development of federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes ...”⁵ The IHS established its consultation policy in 1997 and actively engages with tribes and tribal organizations.⁶

In 2010, as part of the Patient Protection and Affordable Care Act,⁷ Congress permanently reauthorized and amended the IHCIA by adding a requirement that the IHS confer, “to the maximum extent practicable, with [Urban Indian Organizations] in carrying out the [IHCIA].”⁸ In 2014, the IHS established the policy “Conferring with Urban Indian Organizations,” consistent with the new IHCIA authority.⁹ According to the IHS, the policy serves as a guide when the Agency seeks input from UIOs on health matters.

According to the National Council of Urban Indian Health, other agencies within HHS that provide services to AI/ANs, such as the Centers for Medicaid Services (CMS), the Centers for Disease Control and Prevention (CDC), and the Substance Abuse and Mental Health Services (SAMSHA), do not have policies regarding conferring with UIOs. These agencies are only required to consult and confer with Indian tribes, consistent with Executive Order 13175.¹⁰

² 25 U.S.C. 5304 et seq.

³ *Id.*

⁴ “Office of Urban Indian Health Programs” Indian Health Service. <https://www.ihs.gov/urban/>.

⁵ Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. November 6, 2000. Available at: <https://www.govinfo.gov/content/pkg/FR-2000-11-09/pdf/00-29003.pdf>

⁶ “Tribal Consultation” Indian Health Service. <https://www.ihs.gov/newsroom/factsheets/tribalconsultation/>

⁷ 42 USC 1801 et seq.

⁸ 25 U.S.C. § 1660d(b).

⁹ Indian Health Service, Indian Health Manual, Chp. 26 – Conferring with Urban Indian Organizations. Available at: <https://www.ihs.gov/ihtm/pc/part-5/p5c26/#5-26.1B>.

¹⁰ National Council of Urban Indian Health, “Urban Confer Fact Sheet” available at: https://mcusercontent.com/97bf83f5514a3035e7978c5b2/files/9a779961-5442-d519-3c67-45a9d9c7de12/Urban_Confer_Fact_Sheet_NCUIH_D157_V8.pdf.

During the COVID-19 pandemic, UIOs were not provided notice by HHS that they were required to make a selection for COVID-19 vaccine distribution until the day of the deadline imposed by the agency.¹¹ Direct communication with agencies that impact urban Indian health could improve health care access to urban AI/AN populations. H.R. 630 if enacted, would require all agencies within HHS to establish a UIO confer policy.

Staff contact: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) and Jocelyn Broman (Jocelyn.Broman@mail.house.gov) (x6-9725)

H.R. 1240 (Rep. Feenstra), “Winnebago Land Transfer Act of 2023”

H.R. 1240 would transfer administrative jurisdiction of approximately 1,600 acres of land from the Army Corps of Engineers in the state of Iowa to the Bureau of Indian Affairs to be held in trust for the Winnebago Tribe of Nebraska. This federal land was seized by Army Corps of Engineers in the 1970’s for the Snyder-Winnebago Oxbow Lake Recreation Complex project.

The Winnebago Tribe of Nebraska is one of the federally recognized tribes of the Ho-Chunk people, with the reservation encompassing approximately 117,000 acres of land located in Thurston and Dixon Counties in Nebraska, and Woodbury County in Iowa. The tribe has approximately 5,300 enrolled members.¹²

The Treaties of 1865¹³ and 1874¹⁴ between the Winnebago Tribe and the U.S. government set aside land in Nebraska and Iowa for the occupation and future home of Winnebago Indians. In 1970, the Corps of Engineers condemned certain land on the eastern boundary of the reservation and Missouri River in Nebraska and Iowa through eminent domain for the Snyder-Winnebago Oxbow Lake Recreation Complex project.¹⁵ In response, the tribe challenged the Corps of Engineers condemnation in federal court, both in Iowa and Nebraska. During the proceedings in the District Court of Nebraska, the tribe was successful in reclaiming the land as the court held that the Corps of Engineers was without authority to take tribal lands by eminent domain.¹⁶

In the Iowa proceedings, the tribe’s attorney entered into a stipulation in the District Court of Iowa, which conceded that the state of Iowa owned the land that was condemned by the Corps of Engineers. In return the tribe would receive a separate land selection or \$45,000. According to the tribe, their attorney was not authorized to enter into the stipulation. Additionally, the tribe neither received a different land selection nor monetary compensation.

¹¹ Id.

¹² “Winnebago tribe of Nebraska”, Tiller’s Guide to Indian Country, Edited and Compiled by Veronica E. Velarde Tiller (2015).

¹³ 14 Stat. 671.

¹⁴ 18 Stat. 170.

¹⁵ The federal land acquisition for this project was for construction of a protective levee and water control structure that would allow for greater control of the water levels and sediment control of the Oxbow lakes in Iowa and Nebraska, as well as a public recreation area for fishing and wildlife purposes. <https://www.nwo.usace.army.mil/mrrp/site-Snyder-Winnebago-Complex/>.

¹⁶ United States v. Winnebago Tribe of Nebraska. 542 F.2d 1002, 1006 (8th Cir. 1976).

The tribe then appealed the ruling to the Eighth Circuit Court of Appeals, which held that the Corps of Engineers illegally condemned the land in Iowa and that the land could only be taken by an Act of Congress and voided the stipulation. However, the court also held that because the tribe failed to properly preserve the right to appeal in the Iowa District Court proceedings, the court could not order the return of the land.¹⁷ These tracts are referred to as Tracts 119 and 210 in H.R. 1240 and encompass approximately 1,600 acres.

H.R. 1240 would place tracts 210 and a portion of 119 into trust for the tribe to be made part of the reservation. In addition, a formerly privately owned 60-acre tract of land, referred to as Tract 113, that was also condemned by the Corps of Engineers, would be placed into trust, as it would be landlocked by the other tracts placed into trust under the bill. A map of the tracts can be found [here](#).

Staff contact: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) and Jocelyn Broman (Jocelyn.Broman@mail.house.gov) (x6-9725)

H.R. 1722 (Rep. Salinas), “Grand Ronde Reservation Act Amendment of 2023”

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.

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 1850’s.¹⁸ In 1857, President James Buchanan established the Grand Ronde Reservation.¹⁹ The reservation was more than 60,000 acres and 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.²⁰ 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.²¹ 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.²²

¹⁷ *Bear v. United States*, 810 F.2d 153 (8th Cir. 1987).

¹⁸ “Treaties” Confederated Tribes of Grand Ronde. <https://www.grandronde.org/history-culture/history/treaties/>.

¹⁹ Executive Order Issued by James Buchanan (June 30, 1857).

²⁰ Public Law 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.

²¹ “Confederated tribes of the Grand Ronde”, Tiller’s Guide to Indian Country, Edited and Compiled by Veronica E. Velarde Tiller (2015).

²² *Id.*

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.²³

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.

Staff contact: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) and Jocelyn Broman (Jocelyn.Broman@mail.house.gov) (x6-9725)

[H.R. 2461 \(Rep. Crane\), "San Juan Southern Paiute Tribal Homelands Act of 2023"](#)

H.R. 2461 would establish an approximate 5,400-acre reservation for the San Juan Southern Paiute Tribe from lands that are currently a part of the Navajo Nation's reservation. The legislation would also ratify a treaty between the San Juan Southern Paiute and Navajo Nation signed in 2000, which contains terms clarifying the sovereign authority of both tribes, providing lands for a San Juan Southern Paiute reservation, and resolving other related mutual concerns.

The San Juan Southern Paiute Tribe has historically lived in southern Utah and northern Arizona, east of the Grand Canyon between the San Juan and Colorado rivers.²⁴ They have shared territory with the Navajo Nation and the Hopi Tribe for more than 160 years, but have retained a distinct Paiute language, government, and culture separate from the neighboring tribes. In 1907, the U.S. Government set aside a northern part of the San Juan Southern Paiute Tribe's traditional homelands called the Paiute Strip as their reservation, however that was rescinded in 1922, and added to Navajo reservation lands. In 1934, the San Juan Southern Paiute Tribe's southern traditional lands were included in the Navajo reservation, and the tribe has resided on their traditional homelands within the Navajo reservation since then.²⁵

The San Juan Southern Paiute Tribe was federally recognized in 1989 and is currently the only federally recognized tribe in Arizona that does not have a reservation.²⁶ It has a membership of approximately 300 members, with many members living near the communities of Tuba City and Willow Springs in Arizona, and Navajo Mountain, White Mesa, and Blanding in Utah.

²³ P.L. 103-435; 25 USC 713f note, subsection d.

²⁴ Allen C. Turner and Robert C. Euler, *A Brief History of the San Juan Paiute Indians of Northern Arizona*, J. of Cal. and Great Basin Anthropology. Vol. 5, Nos. 1 and 2, p. 199-207 (1983). Available at:

https://escholarship.org/content/qt447601ts/qt447601ts_noSplash_8ed0a1fd01d1b031e3fb288b237b1c19.pdf?t=krnkj1.

²⁵ "About the Tribe" San Juan Southern Paiute Tribe. <https://www.sanjuanpaiute-nsn.gov/about>.

²⁶ https://archives.federalregister.gov/issue_slice/1989/12/15/51501-51505.pdf#page=2.

On March 18, 2000, the San Juan Southern Paiute Tribe and the Navajo Nation entered into a treaty between the tribes that resolved and clarified sovereign authority of both tribes and provided a permanent reservation for the San Juan Southern Paiute Tribe.²⁷ The treaty was the result of nearly 20 years of negotiations springing from a land dispute filed in federal court in 1981.²⁸ H.R. 2461 would ratify the treaty, including resolving long-standing land rights litigation between the tribes, and create an approximately 5,400 acre reservation for the San Juan Southern Paiute Tribe from land that currently is a part of the Navajo Nation's reservation.

The Navajo Nation supports the legislation, and the Navajo Nation Council passed a resolution of support in 1999.²⁹ Committee staff understand that resolving this land dispute between the Navajo Nation and San Juan Southern Paiute Tribe will also help with determining water allocations from the Colorado River system, which cannot be fully resolved until the land dispute is resolved.

H.R. 2461, also codifies further treaty agreements between the tribes, including, but not limited to, easements and access rights, water rights of the transferred lands, surveying and fencing of newly created San Juan Southern Paiute Reservation lands, and tribal jurisdiction clarifications.

Staff contact: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) and Jocelyn Broman (Jocelyn.Broman@mail.house.gov) (x6-9725)

[H.R. 2839 \(Rep. Hoyle\), To amend the Siletz Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of Siletz Indians, and for other purposes](#)

H.R. 2839 would amend the Siletz Reservation Act to provide a process by which the Confederated Tribes of Siletz Indians and the State of Oregon may negotiate, amend or replace the current agreement governing the tribe's hunting, fishing, trapping, and animal gathering rights that was made effective by a May 2, 1980 consent decree.

The Confederated Tribes of Siletz Indians (Siletz Tribe) is a confederation of more than 27 different tribes and bands of Indians from throughout western Oregon, all of whom were removed beginning in 1856, to the 1.1 million acres Siletz Coast Reservation established by Executive Order on November 9, 1855.³⁰ The Siletz Reservation was diminished by

²⁷ Treaty between San Juan Southern Paiute Tribe and Navajo Nation. Signed March 18, 2000. Available at: https://republicans-naturalresources.house.gov/UploadedFiles/2000_Treaty.pdf.

²⁸ Debra Moon, "Paiute and Navajo Nation sign historic treaty" Navajo-Hopi Observer, Mar. 7, 2000, available at: <https://www.nhnews.com/news/2000/mar/07/paiute-and-navajo-nation-sign-historic-treaty/>.

²⁹ "Resolution of the Navajo Nation Council Approving the Settlement of the 1934 Case Between the Navajo Nation and the San Juan Southern Paiute tribe and Authorizing the President of the Navajo Nation to Execute the Treaty Between the Navajo Nation and the San Juan Southern Paiute Tribe," July 23, 1999, CJY-69-99. Available at: https://republicans-naturalresources.house.gov/UploadedFiles/Navajo_Resolution_Approving_Treaty_with_SJSP_CJY69.pdf.

³⁰ "Confederated tribes of the Siletz Indians", Tiller's Guide to Indian Country, Edited and Compiled by Veronica E. Velarde Tiller (2015).

various federal actions over time until the Siletz Tribe was terminated in 1954.³¹ In 1977, Congress enacted a bill to restore the tribe.³² The Act established a process for the tribe to organize, and further required the Department of the Interior and the tribe to develop a plan for creating a reservation but required any reservation to be established through an Act of Congress.³³

As a condition reestablishing its reservation, the Siletz Tribe's hunting, fishing, trapping, and animal gathering rights were limited through an agreement with the state of Oregon. On May 2, 1980, the U.S. District Court for Oregon made effective a consent decree between the tribe, the state of Oregon, and the United States that serves as the final determination of the tribe's hunting, fishing, trapping, and gathering rights. The consent decree provides limited allocations for salmon fishing and deer and elk hunting, and otherwise prohibits tribal hunting, fishing, gathering, and trapping, except as authorized under Oregon state law. After this consent decree was put in place, it was incorporated into the Siletz Reservation Act of 1980.³⁴

H.R. 2839 would amend the Siletz Reservation Act to allow the state of Oregon and the Siletz tribe to amend, renegotiate, or terminate the 1980 consent decree. That consent decree remains in place until there is mutual agreement for a new agreement between both the tribe and the state. The legislation also requires that the U.S. District Court of Oregon adjudicate any change to the consent decree on the merits of the case and prevents any modification request from being dismissed from court because the matter has already been decided. The legislation also includes language preserving all other hunting and fishing treaty rights held by other treaty tribes.

Staff contact: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) and Jocelyn Broman (Jocelyn.Broman@mail.house.gov) (x6-9725)

[H.R. 3371 \(Rep. Johnson of SD\), “Wounded Knee Massacre Memorial and Sacred Site Act”](#)

H.R. 3371 would place approximately 40 acres of fee land located within the Pine Ridge Indian Reservation, into restricted fee status for the Oglala Sioux Tribe and Cheyenne River Sioux Tribe. Restricted fee land contains the same restrictions against alienation and taxation as land held in trust, but title is not held by the federal government. The land to be placed into restricted fee would be held in memorial as a sacred site for the approximately 300 Indian people killed in the Wounded Knee Massacre in 1890 that occurred on a portion of the 40 acres.

Both the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe descend from different divisions of the Great Sioux Nation. Tribal members may also refer to themselves as

³¹ *History of the Siletz*, available at: <https://www.ctsi.nsn.us/wp-content/uploads/2020/12/CTSI-Comprehensive-Plan-2005-2015-History-Pt1.pdf>

³² P.L. 95-195.

³³ Id.

³⁴ P.L. 96-310.

Lakota. The Great Sioux Nation and the United States signed the Treaty of Fort Laramie in 1869.³⁵ This treaty was ratified by the U.S. Senate and provided a large land base on the plains including the western part of South Dakota. Eventually, that large reservation was divided up into six separate reservations in North and South Dakota.³⁶

The Oglala Sioux Tribe descend from a division of the western Sioux, that later divided into seven tribes after leaving their original homelands in north-central Minnesota.³⁷ A part of the Great Sioux Nation, their reservation, the Pine Ridge Indian Reservation, was established when the Great Sioux reservation was divided. Current tribal enrollment is approximately 46,855 members.³⁸

The Cheyenne River Sioux Tribe descends from the Tetonwan Division of the Great Sioux Nation and has approximately 15,993 members.³⁹ The Cheyenne River reservation, after it was officially established on March 2, 1989, was a center for the Ghost Dance movement that spread rapidly in and among the plains Indians in 1889 and 1890.⁴⁰

In the later part of the 19th century, a movement called the Ghost Dance spread to many different Indian tribes in the western United States. Indians believed that this dance would return land back to the Indians, bringing about a renewal of Native society.⁴¹ Many danced both for renewal of native land and buffalo and in protest of the federal government. Reinvigorated in 1889, the rapid spread of the Ghost Dance among tribes distant from each other during 1890 was alarming to non-native Americans and the United States Army, because it was seen as militant and warlike.⁴²

On December 29, 1890, a group of Lakota Indians led by Chief Spotted Elk had made camp near Wounded Knee Creek on the Pine Ridge Indian Reservation in South Dakota. There, U.S. Army 7th Cavalry troops were sent to disarm the Lakota. A struggle occurred between the U.S. Army and some of Chief Spotted Elk's band – a majority of which consisted of women and children. A shot rang out, and the U.S. Army opened fire on the largely unarmed group.⁴³ The number of Indians that died is disputed, however, James Mooney, a scholar of American Indian culture and language who personally documented the Ghost Dance across the United States in the 1890s, estimated that around 300 Indians

³⁵ 15 Stat. 635.

³⁶ "Oglala Sioux", Tiller's Guide to Indian Country, Edited and Compiled by Veronica E. Velarde Tiller (2015).

³⁷ "Cheyenne River Sioux", Tiller's Guide to Indian Country, Edited and Compiled by Veronica E. Velarde Tiller (2015).

³⁸ "Pine Ridge Agency" Bureau of Indian Affairs, [bia.gov/regional-offices/great-plains/south-dakota/pine-ridge-agency](https://www.bia.gov/regional-offices/great-plains/south-dakota/pine-ridge-agency).

³⁹ "Cheyenne River Agency" Bureau of Indian Affairs, <https://www.bia.gov/regional-offices/great-plains/south-dakota/cheyenne-river-agency>.

⁴⁰ Veronica E. Velarde Tiller, *Tiller's Guide to Indian Country*, 2nd ed. at 915.

⁴¹ <https://blogs.loc.gov/folklife/2017/11/james-mooney-recordings-ghost-dance-songs/>

⁴² See Louis S. Warren, "The Lakota Ghost Dance and the Massacre at Wounded Knee," PBS, American Experience, Apr. 16, 2021. Available at: <https://www.pbs.org/wgbh/americanexperience/features/american-oz-lakota-ghost-dance-massacre-wounded-knee/>; & Stephanie Hall, "James Mooney Recordings of American Indian Ghost Dance Songs, 1894," Library of Congress, Folklife Today blog, Nov. 17, 2017. Available at: <https://blogs.loc.gov/folklife/2017/11/james-mooney-recordings-ghost-dance-songs/>.

⁴³ Warren, "The Lakota Ghost Dance and the Massacre at Wounded Knee."

were killed, died from wounds, or died of exposure during the following freezing nights at Wounded Knee.⁴⁴ Twenty-five U.S. soldiers also died.

In September 2022, the Oglala Sioux Tribe and Cheyenne River Sioux Tribe jointly purchased 40 acres of land where an old trading post was located. The 40 acres contains a portion of the area where the Wounded Knee massacre took place. On October 21, 2022, both tribes signed a covenant, stating that this property shall be held and maintained as a memorial and sacred site without any economic development.⁴⁵

H.R. 3371 would place these 40 acres into restricted fee status for both the Oglala Sioux and Cheyenne River Sioux tribes. The bill also subjects the 40 acres to the civil and criminal jurisdiction of the Oglala Sioux Tribe, and places restrictions on alienation and taxation on the land. Gaming pursuant to the Indian Gaming Regulatory Act⁴⁶ (IGRA) would be prohibited. A map of the land to be placed into restricted fee status can be found [here](#).

Staff contact: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) and Jocelyn Broman (Jocelyn.Broman@mail.house.gov) (x6-9725)

IV. MAJOR PROVISIONS & SECTION-BY-SECTION

H.R. 630 (Rep. Grijalva), “Urban Indian Health Confer Act”

Section 2. *Urban Indian Organization.* Amends section 514(b) of the Indian Health Care Improvement Act to require the Secretary of Health and Human Services confer with Urban Indian organizations to maximum extent practicable with carrying out Indian health care policies of the agency.

H.R. 1240 (Rep. Feenstra), “Winnebago Land Transfer Act of 2023”

Section. 2. *Land to be Taken into Trust.*

Subsection (a). Provides that all right, title, and interest of the United States in and to the Federal lands described in subsection (b) shall be held in trust for the benefit of the Winnebago Tribe of Nebraska and declared to be part of the reservation as established by the Treaty of March 8, 1865.

Subsection (b). *Federal Lands Described.* The lands that will be taken into trust for the Winnebago Tribe of Nebraska are described as a portion of Tract No. 119, Tract 210 in the state of Iowa, and Tract 113 in the state of Iowa.

⁴⁴ Hall, “James Mooney Recordings of American Indian Ghost Dance Songs, 1894.”

⁴⁵ “Covenant Between the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe Concerning the Czywczynski Property at Wounded Knee” Oct. 21, 2022. Available at: https://republicans-naturalresources.house.gov/UploadedFiles/Covenant_Between_Oglala_and_Cheyenne_River_Sioux_Tribes.pdf.

⁴⁶ 25 USC 2701 et seq.

H.R. 1722 (Rep. Salinas), “Grand Ronde Reservation Act Amendment of 2023”

Section 2. *Grand Ronde Reservation Act Amendment*. Strikes “lands within the state of Oregon” and inserts “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*. Provides that the Act shall not be construed to modify any treaty right of any Indian tribe.

H.R. 2461 (Rep. Crane), “San Juan Southern Paiute Tribal Homelands Act of 2023”

Section 4. *Ratification and Approval of the Treaty*. Ratifies and approves the treaty between the San Juan Southern Paiute Tribe and the Navajo Nation, along with its 2004 amendments and exhibits and maps incorporated by reference.

Section 5. *Approval of the Secretary*. Authorizes the Secretary of the Department of the Interior to approve and execute the treaty, provides that the Secretary is not bound by the treaty, and delegates authority to the Secretary to approve and execute further amendments to the treaty agreed to by both tribes, but without requiring the approval of Congress.

Section 6. *Lands Proclaimed a Reservation for the San Juan Southern Paiute Tribe*. Grants the San Juan Southern Paiute Tribe all right, title, and interest, including water rights to the approximately 5400 acres described by the treaty, and transfers the 5400 acres into trust for the San Juan Southern Paiute Tribe, and designates the land as their reservation. Also states that the establishment of the reservation will not be considered at major federal action and does not require an appraisal.

Section 7. *Rights of Access and Easements*. States that both the Navajo Indian Reservation and the to-be-established San Juan Southern Paiute Reservation are subject to the rights of access and easements in the treaty.

Section 8. *Surveying and Fencing of Land*. Directs the Secretary to survey the boundaries of the San Juan Southern Paiute Reservation within 18 months of enactment, and to fence where appropriate and feasible, and study feasibility of an access road to the San Juan Southern Paiute Reservation from U.S. Route 89. The last two requirements implement requirements from the treaty.

Section 9. *Repeal of Paiute Allotment Procedures*. Repeals Section 9 of P.L. 93-531. Section 9 authorized the Secretary to provide individual allotments to Paiute Indians that were not members of the Navajo Nation but lived within the Navajo reservation.

Section 10. *Water Rights*. Details and implements water rights associated with the treaty and newly created San Juan Southern Paiute Tribe reservation lands discussed within the treaty.

Section 11. *Publication; Jurisdiction.* Requires the Secretary to publish notices in the Federal Register upon completion of fencing or boundary marking of the San Juan Southern Paiute reservation. Confirms that once notice is published in the Federal Register, then the San Juan Southern Paiute Tribe shall have full jurisdiction over the reservation, and Navajo Nation shall no longer have jurisdiction, except as agreed upon by both tribes.

Section 12. *Construction of Law.* States that the San Juan Southern Paiute Tribe is recognized as under the Indian Reorganization Act and subject to those provisions.

H.R. 2839 (Rep. Hoyle), To amend the Siletz Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of Siletz Indians, and for other purposes

Section 1. *Siletz Reservation Act Amendment.* Amends the Siletz Reservation Act (P.L. 96-340) to include definitions; allow for amendments or successor agreements related to hunting, fishing, trapping, and animal gathering rights of the Siletz tribe, with the consent of the State of Oregon, preserves treaty rights for other tribes on the Columbia River, Willamette River, and Willamette Falls; requires the Oregon District Court to adjudicate actions related to the Consent Decree on the merits of the case; and includes a treaty rights savings clause, ensuring other tribal treaty rights are not affected by this legislation.

H.R. 3371 (Rep. Johnson of SD), “Wounded Knee Massacre Memorial and Sacred Site Act”

Section 3. *Land Held in Restricted Fee Status by the Tribes.* Requires that within one year, the Secretary of the Department of the Interior to take the approximately 40 acres and hold the land in restricted fee status so both the Oglala Sioux Tribe and Cheyenne River Sioux Tribe retain title to the land; subjects the law to federal laws relating to Indian land; and applies the Covenant between the tribes to the land; allows for encumbrances to continue; and prevents gaming on the land.

V. CBO COST ESTIMATE

H.R. 630 (Rep. Grijalva), “Urban Indian Health Confer Act”

Unknown. However, the Congressional Budget Office (CBO) has estimated that an identical companion, S. 460, would not affect direct spending or revenues and would have an insignificant effect on spending subject to appropriation for HHS staff to confer periodically with urban Indian organizations.⁴⁷

⁴⁷ CBO Cost Estimate, S. 460, Urban Indian Health Confer Act. May 17, 2023. Available at: <https://www.cbo.gov/system/files/2023-05/s460.pdf>.

H.R. 1240 (Rep. Feenstra), “Winnebago Land Transfer Act of 2023”

Unknown.

H.R. 1722 (Rep. Salinas), “Grand Ronde Reservation Act Amendment of 2023”

Unknown. However, in the 117th Congress, the CBO estimated that a substantially similar bill to H.R. 1722, would not have significant costs associated with the bill.⁴⁸

H.R. 2461 (Rep. Crane), “San Juan Southern Paiute Tribal Homelands Act of 2023”

Unknown.

H.R. 2839 (Rep. Hoyle), To amend the Siletz Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of Siletz Indians, and for other purposes

Unknown. However, in the 117th Congress, the CBO estimated that a substantially similar bill to H.R. 2839, had no significant costs associated with the bill.⁴⁹

H.R. 3371 (Rep. Johnson of SD), “Wounded Knee Massacre Memorial and Sacred Site Act”

Unknown.

VI. ADMINISTRATION POSITION

H.R. 630 (Rep. Grijalva), “Urban Indian Health Confer Act”

Unknown. However, the Administration testified on an identical bill to H.R. 630 in the 117th Congress, but did not take a position.⁵⁰

H.R. 1240 (Rep. Feenstra), “Winnebago Land Transfer Act of 2023”

Unknown. However, the Administration testified on an identical bill to H.R. 1240 in the 117th Congress and supported the legislation.⁵¹

H.R. 1722 (Rep. Salinas), “Grand Ronde Reservation Act Amendment of 2023”

⁴⁸ CBO Cost Estimate. S. 559, a bill to amend the Grand Ronde Reservation Act. Mar. 23, 2021. Available at: <https://www.cbo.gov/system/files/2021-03/s559.pdf>.

⁴⁹ CBO Cost Estimate. S. 3123, a bill to amend the Siletz Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of Siletz Indians, and for other purposes. May 23, 2022. Available at: <https://www.cbo.gov/system/files/2022-05/s3123.pdf>.

⁵⁰ Testimony of P. Benjamin Smith, Deputy Director, Indian Health Service, at the Senate Committee on Indian Affairs, Jul. 20, 2022. Available at: <https://www.indian.senate.gov/sites/default/files/IHS%20testimony%20HR%205221%20%28SCIA-July20-LegHrg%29%207-13-22.pdf>.

⁵¹ Testimony of Darryl LaCounte, Director, Bureau of Indian Affairs, at the House Committee on Natural Resources, Subcommittee for Indigenous Peoples of the United States, Oct. 5, 2021. Available at: <https://www.doi.gov/ocl/hr-2402-0>.

Unknown. However, the Administration testified on a substantial similar bill in the 117th Congress, and stated that “the Department would not be supportive of measures that might result in additional federal liability for extinguished land claims.”⁵²

H.R. 2461 (Rep. Crane), “San Juan Southern Paiute Tribal Homelands Act of 2023”

Unknown.

H.R. 2839 (Rep. Hoyle), To amend the Siletz Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of Siletz Indians, and for other purposes

Unknown. However, the Administration testified on a substantially similar bill to H.R. 2839 in the 117th Congress and the Department of the Interior stated it is committed to working with tribal governments to protect and preserve tribal traditional hunting, fishing, and gathering rights on tribal ancestral homelands and supports the legislation.⁵³

H.R. 3371 (Rep. Johnson of SD), “Wounded Knee Massacre Memorial and Sacred Site Act”

Unknown.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 630](#)

[H.R. 1722](#)

[H.R. 2839](#)

⁵² Statement for the Record from the Office of the Assistant Secretary – Indian Affairs, at the House Committee on Natural Resources, Subcommittee for Indigenous Peoples of the United States, Apr. 27, 2022. Available at: <https://www.doi.gov/ocl/pending-legislation-28>.

⁵³ Testimony of Kathryn Isom-Clause, Deputy Assistant Secretary for Policy and Development for Indian Affairs, Department of the Interior, at the Senate Committee on Indian Affairs, Feb. 16, 2022. Available at: <https://www.doi.gov/ocl/pending-legislation-24>.