

[H.R. 2791, Western Oregon Tribal Fairness Act](#)

FLOOR SITUATION

On Wednesday, September 16, 2015, the House will consider the [H.R. 2791](#), the Western Oregon Tribal Fairness Act, under suspension of the rules. H.R.2791 was introduced on June 16, 2015 by Rep. Peter DeFazio (D-OR) and was referred to the Committee on Natural Resources, which ordered the bill reported by unanimous consent on July 9, 2015.

SUMMARY

H.R. 2791 requires certain federal lands be held in trust by the United States for the benefit of certain Indian tribes in Oregon. The bill transfers nearly 18,000 acres of federal land to the Cow Creek Band of Umpqua Tribe of Indians and more than 14,000 acres of federal land to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. H.R. 2791 also amends how the federal government manages forest land held in trust for the benefit of the Coquille Tribe of Coos County, Oregon. Land placed in trust for the Tribes may not be used for gaming under the Indian Gaming Regulatory Act of 1988, and timber harvested from such land shall be subject to federal law restricting the export of unprocessed logs.

BACKGROUND

Cow Creek Umpqua Tribe: In 1853, the Cow Creek Umpqua Tribe located in Canyonville, Oregon signed a treaty with the United States to cede 800 square miles of reservation land for \$12,000; however, according to the Tribe, the stipulations of the treaty were never realized. In 1953, the United States formally terminated the Tribe through the Western Oregon Indian Termination Act of 1954. In 1982, federal recognition of the Tribe was restored by Congress and by 1984 it had successfully negotiated a \$1.5 million settlement in the U.S. Court of Claims for tribal land lost in the treaty. The Tribe invested the settlement amount to establish an endowment fund and has only drawn interest annually from the endowment to provide education, housing, and economic development. Today, the Tribe has approximately 4,500 acres of land held in trust. H.R. 2791 would convey approximately 17,519 acres of public land in Oregon to this trust, which the tribe uses for education, housing, and economic development.

Coquille Indian Tribe: In the 1850s, after negotiating but failing to ratify a treaty with the Coquille Indian Tribe, the United States sought to forcibly relocate the Coquille people to a coast reservation. A number of families, however, resisted relocation and stayed on their aboriginal lands. In 1954, as part of the a federal policy to terminate federal relations with a number of tribes, the United States terminated the federal recognition of the Coquille Indian Tribe through the Western Oregon Indian Termination Act of 1954. In 1989, the Coquille Restoration Act restored federal recognition of the Coquille Tribe and directed the Secretary of the Interior to develop a plan for the Tribe's self-sufficiency, which included transferring 5,410 acres to the tribe, which is now referred to as the Coquille Forest. H.R. 2791 allows the Tribe more flexibility in utilizing the resources within this Forest, similar to how other tribes are permitted to utilize similar lands.

Confederated Tribes of Coos, Lower Umpqua and the Siuslaw Indians: In 1855, these tribes, which are located along the Oregon coast, negotiated a treaty with the United States; however, the treaty was never ratified nor the terms fully realized. In 1954, the Tribes were terminated through the Western Oregon Indian Termination Act of 1954. In 1984, the Tribes' federal recognition was restored and today, the Tribes have approximately 153 acres held in trust by the Secretary of Interior. H.R. 2791 would provide that seven tracts of land currently managed by the Bureau of Land Management, totaling 14,804 acres be held in a trust for the Tribes.

H.R. 2791 combines the text of three other bills introduced in the 114th Congress: [H.R. 1436](#), [H.R. 1437](#), and [H.R. 1438](#). In the 113th Congress, nearly identical portions of H.R. 2791 also passed the House of Representatives as part of [H.R. 1526](#) and [H.R. 5701](#).

COST

The Congressional Budget Office (CBO) [estimates](#) enacting H.R. 2791 would have no significant effect on spending subject to appropriation. The bill would affect direct spending; therefore, pay-as-you-go procedures apply. Under current law, the specified lands generate receipts to the Treasury from the sale of timber. Therefore, by conveying the land to the tribes, the bill would reduce offsetting receipts, which are treated as reductions in direct spending. However, based on information from federal agencies, CBO estimates that the forgone receipts would be insignificant for each year and less than \$500,000 over the 2016 to 2025 period.

STAFF CONTACT

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