

118TH CONGRESS
1ST SESSION

S. 1287

To amend the Grand Ronde Reservation Act to address the hunting, fishing, trapping, and animal gathering activities of the Confederated Tribes of the Grand Ronde Community, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2023

Mr. MERKLEY (for himself and Mr. WYDEN) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Grand Ronde Reservation Act to address the hunting, fishing, trapping, and animal gathering activities of the Confederated Tribes of the Grand Ronde Community, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. GRAND RONDE RESERVATION ACT AMEND-**
4 **MENT.**

5 Section 2 of Public Law 100–425 (commonly known
6 as the “Grand Ronde Reservation Act”) (102 Stat. 1595)
7 is amended to read as follows:

1 **“SEC. 2. HUNTING, FISHING, TRAPPING, AND ANIMAL GATH-**
2 **ERING.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) CONSENT DECREE.—The term ‘Consent
5 Decree’ means the final judgment and decree of the
6 United States District Court for the District of Or-
7 egon, in the action entitled ‘Confederated Tribes of
8 the Grand Ronde Community of Oregon against the
9 State of Oregon’, entered on January 12, 1987.

10 “(2) GRAND RONDE HUNTING AND FISHING
11 AGREEMENT.—The term ‘Grand Ronde Hunting and
12 Fishing Agreement’ means the agreement entitled
13 ‘Agreement Among the State of Oregon, the United
14 States of America and the Confederated Tribes of
15 the Grand Ronde Community of Oregon to Perma-
16 nently Define Tribal Hunting, Fishing, Trapping,
17 and Animal Gathering Rights of the Tribe and its
18 Members’ and entered into by the United States on
19 December 2, 1986.

20 “(3) INDIAN TRIBE.—The term ‘Indian Tribe’
21 has the meaning given the term in section 4 of the
22 Indian Self-Determination and Education Assistance
23 Act (25 U.S.C. 5304).

24 “(b) HUNTING, FISHING, TRAPPING, AND ANIMAL
25 GATHERING AGREEMENTS.—

1 “(1) IN GENERAL.—The Grand Ronde Hunting
2 and Fishing Agreement shall remain in effect until
3 and unless replaced, amended, or otherwise modified
4 by 1 or more successor government-to-government
5 agreements between the Confederated Tribes of the
6 Grand Ronde Community and the State of Oregon
7 relating to the hunting, fishing, trapping, and ani-
8 mal gathering rights of the Confederated Tribes of
9 the Grand Ronde Community.

10 “(2) AMENDMENTS.—The Grand Ronde Hunt-
11 ing and Fishing Agreement or any successor agree-
12 ment entered into under paragraph (1) may be
13 amended from time to time by mutual consent of the
14 Confederated Tribes of the Grand Ronde Commu-
15 nity and the State of Oregon.

16 “(3) CONTENTS OF NEW AGREEMENT OR FU-
17 TURE AMENDMENTS.—No successor agreement or
18 amended agreement entered into under paragraph
19 (1) shall—

20 “(A) purport to affirm, recognize, estab-
21 lish, expand, adjudicate, waive, limit, abrogate
22 or otherwise affect the ancestral, aboriginal,
23 treaty, statutory, equitable, or other applicable
24 rights of the Confederated Tribes of the Grand
25 Ronde Community or any other Indian Tribe;

1 “(B) limit the State of Oregon from enter-
2 ing into separate agreements with other Indian
3 Tribes that address the authority to take spe-
4 cies within the geographic scope of the agree-
5 ment; or

6 “(C) be used in a civil or criminal action
7 in a court of competent jurisdiction to enlarge,
8 confirm, adjudicate, affect, or modify any treaty
9 or other right of an Indian Tribe.

10 “(4) SOURCE OF AUTHORITY.—All hunting,
11 fishing, trapping, and animal gathering rights of the
12 Confederated Tribes of the Grand Ronde Commu-
13 nity in any successor agreement or amended agree-
14 ment entered into under paragraph (1) after the
15 date of enactment of this Act shall derive solely from
16 the authority of the State of Oregon.

17 “(c) JUDICIAL REVIEW.—In any action brought in
18 the United States District Court for the District of Or-
19 egon to rescind, overturn, modify, or provide relief under
20 Federal law from the Consent Decree, the United States
21 District Court for the District of Oregon shall review the
22 application of the parties on the merits without regard to
23 the defense of res judicata or collateral estoppel.

24 “(d) EFFECT.—Nothing in this section, or in any
25 successor agreement or amended agreement entered into

1 under paragraph (1), shall have the force or effect of de-
2 termining, defining, affirming, recognizing, abrogating,
3 limiting, or affecting the rights or claims of any Indian
4 Tribe, including any treaty and other sovereign rights.”.

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