

AMENDING THE GRAND RONDE RESERVATION ACT TO
MAKE TECHNICAL CORRECTIONS, AND FOR OTHER
PURPOSES

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JULY 22, 2013.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 841]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 841) to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 841 is to amend the Grand Ronde Reservation Act to make technical corrections.

BACKGROUND AND NEED FOR LEGISLATION

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 1850s. In 1857, President James Buchanan issued an Executive Order to establish the Grand Ronde Reservation for a number of Oregon tribes. The reservation was more than 60,000 acres, and today the Grand Ronde is treated by the federal government as a single tribe for federal purposes such as the delivery of services and benefits.

In 1954, federal supervision over Grand Ronde was terminated by an Act of Congress. This occurred in the context of the “termination era” when Congress determined that its policy of recognizing tribes, holding their lands in a federal trust, and supervising

their affairs made Indians wards of the government and thereby restricted their freedom to use their lands.

After a number of tribes in various parts of the United States were terminated by Congress, Indian people objected to the policy, arguing that they were not fully consulted or informed as to its consequences. Over the years, Congress has restored a number of the terminated tribes to recognized tribal status. In 1983, Congress enacted the Grand Ronde Restoration Act (Public Law 96-165) to extend recognition to the Grand Ronde Indians and establish a process for the tribal government to organize itself. The Act 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.

In 1988, Congress enacted the Grand Ronde Reservation Act. 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. 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. To increase its trust land base within the boundaries of its former (terminated) reservation, Grand Ronde has been acquiring new lands which it then applies to put in trust through Interior's regulatory process.

H.R. 841 eases the process for the Grand Ronde Tribe to apply for trust land within the original boundaries of its former 1857 reservation, which encompassed a 60,000-plus-acre area in Polk and Yamhill Counties, Oregon. The bill also deems property placed in trust for the tribe after 1988 to be part of the tribe's reservation. Finally, the bill places specific tracts of land totaling 288 acres in trust for the tribe in its former reservation.

COMMITTEE ACTION

H.R. 841 was introduced on February 26, 2013, by Congressman Kurt Schrader (D-OR). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian and Alaska Native Affairs. On May 16, 2013, the Subcommittee on Indian and Alaska Native Affairs held a hearing on the bill. On June 12, 2013, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Indian and Alaska Native Affairs was discharged by unanimous consent. No amendments were offered and the bill was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

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

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 841—A bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes

H.R. 841 would authorize the Secretary of the Interior to take into trust 288 acres of property located within the boundaries of the original reservation of the Confederated Tribes of the Grand Ronde Community of Oregon. The bill also would modify the process that the Secretary uses to evaluate land to take into trust for the tribe. In addition, all property taken into trust by the Secretary within the boundaries of the tribe's original reservation after September 9, 1988, would be considered part of that reservation.

Based on information provided by the Department of the Interior, CBO estimates that implementing H.R. 841 would have no significant impact on the federal budget. CBO estimates that the legislation would not significantly affect the cost of processing applications to take land into trust or the cost of administering the tribes' trust lands. Enacting H.R. 841 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 841 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Department of the Interior, CBO estimates that implementing H.R. 841 would have no significant impact on the federal budget.

3. 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 amend the Grand Ronde Reservation Act to make technical corrections.

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.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

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.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 1 OF PUBLIC LAW 100-425

An Act To establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes.

SECTION 1. ESTABLISHMENT OF RESERVATION.

(a) LANDS HELD IN TRUST; RESERVATION.—

(1) *IN GENERAL.*—Subject to valid existing rights, including (but not limited to) all valid liens, rights-of-way, reciprocal road rights-of-way agreements, licenses, leases, permits, and easements existing on the date of enactment of this Act, all right, title, and interest of the United States in and to the land described in subsection (c) is hereby held in trust for the use and benefit of the Confederated Tribes of the Grand Ronde Community of Oregon. Such land shall constitute the reservation of the Confederated Tribes of the Grand Ronde Community of Oregon and shall be subject to the Act entitled “An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes”, approved June 18, 1934 (25 U.S.C. 461 et seq.).

(2) *ADDITIONAL TRUST ACQUISITIONS.*—

(A) *IN GENERAL.*—*The Secretary may accept title to any additional number of acres of real property located within*

the boundaries of the original 1857 reservation of the Confederated Tribes of the Grand Ronde Community of Oregon established by Executive Order dated June 30, 1857, comprised of land within the political boundaries of Polk and Yamhill Counties, Oregon, if that real property is conveyed or otherwise transferred to the United States by or on behalf of the Tribe.

(B) TREATMENT OF TRUST LAND.—All applications to take land into trust within the boundaries of the original 1857 reservation shall be treated by the Secretary as an on-reservation trust acquisition.

(C) RESERVATION.—All real property taken into trust within those boundaries at any time after September 9, 1988, shall be part of the reservation of the Tribe.

(b) TREATMENT OF RECEIPTS FROM RESERVATION LANDS.—Beginning on the date of enactment of this Act, all receipts from the lands described in subsection (c) shall accrue to the Confederated Tribes of the Grand Ronde Community of Oregon. This subsection shall not apply to receipts from timber on such lands which was removed before the date of enactment of this Act.

(c) LANDS DESCRIBED.—The lands referred to [in subsection (a)] are approximately 10,311.60] in subsection (a)(1) are approximately 11,274.19 acres of land located in Oregon and more particularly described as:

Willamette Meridian, Oregon
Township Range

South	West	Section	Subdivision	Acres
4	8	36	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.00
4	7	31	Lots 1, 2, NE $\frac{1}{4}$,E $\frac{1}{2}$ NW $\frac{1}{4}$	320.89
5	7	6	All	634.02
5	7	7	All	638.99
5	7	18	Lots 1&2, NE $\frac{1}{4}$,E $\frac{1}{2}$ NW $\frac{1}{4}$	320.07
5	8	1	SE $\frac{1}{4}$	160.00
5	8	3	All	635.60
5	8	7	All	661.75
5	8	8	All	640.00
5	8	9	All	640.00
5	8	10	All	640.00
5	8	11	All	640.00
5	8	12	All	640.00
5	8	13	All	640.00
5	8	14	All	640.00
5	8	15	All	640.00
5	8	16	All	640.00
5	8	17	All	640.00
6	8	1	SW $\frac{1}{4}$ SW $\frac{1}{4}$,W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	53.78
6	8	1	S $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.03
[6	7	8	Tax lot 800	5.55]
6	7	7, 8, 17, 18	Former tax lot 800, located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7; SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8; NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17; and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18	5.55
4	7	30	Lots 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,E $\frac{1}{2}$ SW $\frac{1}{4}$	[240] 241.06
6	8	1	N $\frac{1}{2}$ SW $\frac{1}{4}$	29.59

South	West	Section	Subdivision	Acres
6	8	12	W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	21.70
6	8	13	W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.31
6	7	7	E $\frac{1}{2}$ E $\frac{1}{2}$	57.60
6	7	8	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$	22.46
6	7	17	NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.84
6	7	18	E $\frac{1}{2}$ NE $\frac{1}{4}$	43.42
			【Total	10,311.60】
6	8	1	W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	20.6
6	8	1	N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	19.99
6	8	1	SE $\frac{1}{4}$ NE $\frac{1}{4}$	9.99
6	8	1	NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.46
6	8	1	NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	12.99
6	7	6	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.99
6	7	5	SE $\frac{1}{4}$ SW $\frac{1}{4}$	24.87
6	7	5, 8	SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5; and NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8	109.9
6	8	1	NW $\frac{1}{4}$ SE $\frac{1}{4}$	31.32
6	8	1	NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.89
6	8	1	SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$	78.4
6	7	8, 17	SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8; and NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17	14.33
6	7	17	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.68
6	8	12	SW $\frac{1}{4}$ NE $\frac{1}{4}$	8.19
6	8	1	SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0
6	8	1	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.05
6	8	12	SE $\frac{1}{4}$, SW $\frac{1}{4}$	50.8
6	7	17, 18	SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 17; and SE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 18	136.83
6	8	1	SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.08
6	7	5	NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	97.38
4	7	31	SE $\frac{1}{4}$	159.60
6	7	17	NW $\frac{1}{4}$ NW $\frac{1}{4}$	3.14
6	8	12	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.10
6	7	8	SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.92
6	8	12	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.99
6	7	7	NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7; and	
6	8	12	S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12	86.48
6	8	12	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1.56
			Total	11,274.19

(d) CLAIMS EXTINGUISHED; LIABILITY.—

(1) CLAIMS EXTINGUISHED.—All claims to lands within the State of Oregon based upon recognized title to the Grand Ronde Indian Reservation established by the Executive order of June 30, 1857, pursuant to treaties with the Kalapuya, Molalla, and other tribes, or any part thereof by the Confederated Tribes of the Grand Ronde Community of Oregon, or any predecessor or successor in interest, are hereby extinguished, and any transfers pursuant to the Act of April 28, 1904 (Chap. 1820; 33 Stat. 567) or other statute of the United States, by, from, or on behalf of the Confederated Tribes of the Grand Ronde Community of Oregon, or any predecessor or successor interest, shall be deemed to have been made in accordance with the Constitution and all laws of the United States

that are specifically applicable to transfers of lands or natural resources from, by, or on behalf of any Indian, Indian nation, or tribe of Indians (including, but not limited to, the Act of July 22, 1790, commonly known as the "Trade and Intercourse Act of 1790" (1 Stat. 137, chapter 33, section 4)).

(2) LIABILITY.—The Tribe shall assume responsibility for lost revenues, if any, to any county because of the transfer of re-vested Oregon and California Railroad grant lands in section 30, Township 4 South, Range 7 West.

