

TO PROVIDE FOR THE ADDITION OF CERTAIN REAL PROPERTY TO THE
RESERVATION OF THE SILETZ TRIBE IN THE STATE OF OREGON

FEBRUARY 28, 2014.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 931]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 931) to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PURPOSE; CLARIFICATION.

(a) **PURPOSE.**—The purpose of this Act is to facilitate fee-to-trust applications for the Siletz Tribe within the geographic area specified in the amendment made by this Act.

(b) **CLARIFICATION.**—Except as specifically provided otherwise by this Act or the amendment made by this Act, nothing in this Act or the amendment made by this Act, shall prioritize for any purpose the claims of any federally-recognized Indian tribe over the claims of any other federally-recognized Indian tribe.

SEC. 2. TREATMENT OF CERTAIN PROPERTY OF THE SILETZ TRIBE OF THE STATE OF OREGON.

Section 7 of the Siletz Tribe Indian Restoration Act (25 U.S.C. 711e) is amended by adding at the end the following:

“(f) **TREATMENT OF CERTAIN PROPERTY.**—

“(1) **IN GENERAL.**—

“(A) **TITLE.**—The Secretary may accept title to any additional number of acres of real property located within the boundaries of the original 1855 Siletz Coast Reservation established by Executive Order dated November 9, 1855, comprised of land within the political boundaries of Benton, Douglas, Lane, Lincoln, Tillamook, and Yamhill Counties in the State of Oregon, if that real property is conveyed or otherwise transferred to the United States by or on behalf of the tribe.

“(B) **TRUST.**—Land to which title is accepted by the Secretary under this paragraph shall be held in trust by the United States for the benefit of the tribe.

“(2) TREATMENT AS PART OF RESERVATION.—All real property that is taken into trust under paragraph (1) shall—

“(A) be considered and evaluated as an on-reservation acquisition under part 151.10 of title 25, Code of Federal Regulations (or successor regulations); and

“(B) become part of the reservation of the tribe.

“(3) PROHIBITION ON GAMING.—Any real property taken into trust under paragraph (1) shall not be eligible, or used, for any gaming activity carried out under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).”.

PURPOSE OF THE BILL

The purpose of H.R. 931 is to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.

BACKGROUND AND NEED FOR LEGISLATION

The Confederated Tribes of Siletz Indians comprise a number of bands of Oregon Indians who were located to a 1.1 million-acre reservation set aside by Executive Order of President Franklin Pierce in 1855. In 1954, federal supervision over the Siletz 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 1977, Congress enacted a bill to restore the Confederated Tribes of Siletz Indians of Oregon (Public Law 95–195). 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.

In 1980, Congress established a reservation for the Siletz under Public Law 96–340, consisting of 3,630 acres as well as a parcel known as Government Hill that was conveyed by the city of Siletz. The lands are mostly timberlands. Over the years, the tribe has increased its land holdings to more than 15,000 acres, mostly in Lincoln and Douglas Counties, Oregon. The tribe owns a casino, resort, and a number of other businesses.

H.R. 931 eases the process for the Siletz Indian Tribe to apply for trust land within the original boundaries of the former 1855 Siletz Coast Reservation, which encompassed a large area on the coast of Oregon within the counties of Benton, Douglas, Lane, Lincoln, Tillamook, and Yamhill. The bill prohibits gaming on land acquired in trust under this bill.

COMMITTEE ACTION

H.R. 931 was introduced on February 28, 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. Congressman Peter DeFazio (D-OR) offered an amendment designated .030 to the bill; the amendment was adopted by unanimous consent. No further amendments were offered and the bill, as amended, 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. 931—A bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the state of Oregon

H.R. 931 would modify how the Secretary of the Interior evaluates land to be taken into trust for the Confederated Tribes of Siletz Indians of Oregon. Under current law, the Department of the Interior has two separate processes for evaluating potential trust land depending on whether the land is located within or outside of the recognized boundaries of the reservation. If the land is located outside of the recognized boundaries, the process requires greater scrutiny. The bill would require the Secretary to consider certain property that is considered "off-reservation" under current law as "on-reservation." Under the legislation, all property taken into trust would be considered part of the reservation.

Based on information provided by the Department of the Interior, CBO estimates that implementing H.R. 931 would have no significant impact on the federal budget because the cost of processing trust land applications and the cost of administering the tribes' trust lands would not change significantly. Enacting H.R. 931 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 931 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

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. 931 would have no significant impact on the federal budget because the cost of processing trust land applications and the cost of administering the tribes' trust lands would not change significantly.

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 provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.

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 (new matter is printed in *italic* and existing law in which no change is proposed is shown in *roman*):

SILETZ TRIBE INDIAN RESTORATION ACT

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SEC. 7. (a) Any reservation for the tribe shall be established by an Act of Congress enacted after the enactment of this Act.

(b) Inasmuch as the reservation of the tribe has been terminated, the Secretary shall negotiate with the tribe, or with representatives

of the tribe chosen by the tribe, concerning the establishment of a reservation for the tribe and shall, in accordance with subsections (c) and (d) and within two years after the date of enactment of this Act, develop a plan for the establishment of a reservation for the tribe. Upon approval of such plan by the tribal officials elected under the tribal constitution and bylaws adopted pursuant to section 6, the Secretary shall submit such plan, in the form of proposed legislation, to the Congress.

(c) To assure that legitimate State and local interests are not prejudiced by the creation of a reservation for the tribe, the Secretary, in developing a plan under subsection (b) for the establishment of a reservation, shall notify and consult with all appropriate officials of the State of Oregon, all appropriate local governmental officials in the State of Oregon and any other interested parties. Such consultation shall include the following subjects:

- (1) the size and location of the reservation;
- (2) the effect the establishment of the reservation would have on State and local tax revenues;
- (3) the criminal and civil jurisdiction of the State of Oregon with respect to the reservation and persons on the reservation;
- (4) hunting, fishing, and trapping rights of the tribe and members of the tribe, on the reservation;
- (5) the provision of State and local services to the reservation and to the tribe and members of the tribe on the reservation; and
- (6) the provision of Federal services to the reservation and to the tribe and members of the tribe and the provision of services by the tribe to members of the tribe.

(d) Any plan developed under this section for the establishment of a reservation for the tribe shall provide that—

- (1) any real property transferred by the tribe or members of the tribe to the Secretary shall be taken in the name of the United States in trust for the benefit of the tribe and shall be the reservation for the tribe;
- (2) the establishment of such a reservation will not grant or restore to the tribe or any member of the tribe any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, on such reservation;
- (3) the Secretary shall not accept any real property in trust for the benefit of the tribe or its members unless such real property is located within Lincoln County, State of Oregon;
- (4) any real property taken in trust by the Secretary for the benefit of the tribe or its members shall be subject to all rights existing at the time such property is taken in trust, including liens, outstanding Federal, State, and local taxes, mortgages, outstanding indebtedness of any kind, easements, and all other obligations, and shall be subject to foreclosure and sale in accordance with the laws of the State of Oregon;
- (5) the transfer of an real property to the Secretary in trust for the benefit of the tribe or its members shall be exempt from all Federal, State, and local taxation, and all such real property shall, as of the date of such transfer, be exempt from Federal, State, and local taxation; and
- (6) the State of Oregon shall have civil and criminal jurisdiction with respect to the reservation and persons on the res-

ervation in accordance with section 1360 of title 28, United States Code, and section 1162 of title 18, United States Code.

(e) The Secretary shall append to the plan a detailed statement describing the manner in which the notification and consultation prescribed by subsection (c) was carried out and shall include any written comments with respect to the establishment of a reservation for the tribe submitted to the Secretary by State and local officials and other interested parties in the course of such consultation.

(f) *TREATMENT OF CERTAIN PROPERTY.*—

(1) *IN GENERAL.*—

(A) *TITLE.*— *The Secretary may accept title to any additional number of acres of real property located within the boundaries of the original 1855 Siletz Coast Reservation established by Executive Order dated November 9, 1855, comprised of land within the political boundaries of Benton, Douglas, Lane, Lincoln, Tillamook, and Yamhill Counties in the State of Oregon, if that real property is conveyed or otherwise transferred to the United States by or on behalf of the tribe.*

(B) *TRUST.*— *Land to which title is accepted by the Secretary under this paragraph shall be held in trust by the United States for the benefit of the tribe.*

(2) *TREATMENT AS PART OF RESERVATION.*— *All real property that is taken into trust under paragraph (1) shall—*

(A) be considered and evaluated as an on-reservation acquisition under part 151.10 of title 25, Code of Federal Regulations (or successor regulations); and

(B) become part of the reservation of the tribe.

(3) *PROHIBITION ON GAMING.*— *Any real property taken into trust under paragraph (1) shall not be eligible, or used, for any gaming activity carried out under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).*

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