

Calendar No. 403

114TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 114-230

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

—————
MARCH 16, 2016.—Ordered to be printed
—————

Mr. BARRASSO, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 818]

The Senate Committee on Indian Affairs, to which was referred the bill (S. 818) to amend the Grande Ronde Reservation Act to make technical corrections, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

PURPOSE

The purpose of S. 818 is to amend the Grand Ronde Reservation Act to make technical corrections.

NEED FOR LEGISLATION

This bill, S. 818, would amend an Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon (Pub. L. No. 100-425). The bill, S. 818, would authorize the Secretary of the Interior to place in trust real property located within the boundaries of the original 1857 reservation of the Confederated Tribes of the Grand Ronde Community of Oregon (Tribe) if the real property is conveyed or otherwise transferred to the United States by or on behalf of the Tribe. The bill would provide that the Secretary will treat all applications to take such land into trust as an on-reservation trust acquisition. The bill would provide that land taken into trust within those boundaries after September 9, 1988, are to be considered part of the Tribe's reservation.

BACKGROUND

The Confederated Tribes of the Grand Ronde Community of Oregon¹ is a federally recognized Indian tribe. On June 30, 1857, a reservation of approximately 60,000 acres, was set aside by President James Buchanan in an Executive Order.² However, the Federal supervision over the trust and restricted property of the Tribe was terminated on August 13, 1954 (25 U.S.C. 691 et. seq.).

On November 22, 1983, federal recognition was restored to the Confederated Tribes of the Grand Ronde Community of Oregon.³ On September 9, 1988, Congress created a reservation for the Tribe.⁴

LEGISLATIVE HISTORY

On March 19, 2015, Senator Wyden and Senator Merkley introduced S. 818. The Committee held a legislative hearing on the bill on October 7, 2015, at which the Bureau of Indian Affairs Deputy Director Mike Smith testified in support of S. 818. On November 18, 2015, the Committee held a business meeting, at which the bill, as amended, was passed by voice vote. The amendment made technical corrections by fixing a citation and incorporating the full table of land held in trust for the Tribe.

An identical companion bill, H.R. 3212, was introduced by Representative Schrader on July 23, 2015. The bill was referred to the House Natural Resources Subcommittee on Indian, Insular and Alaska Native Affairs. No further action has been taken on this bill to date.

SECTION-BY-SECTION ANALYSIS OF BILL AS ORDERED REPORTED

Section 1—Additional land for Grand Ronde Reservation

Section 1 authorizes the Secretary of the Interior to place into trust real property located within the boundaries of the original 1857 reservation of the Confederated Tribes of the Grand Ronde Community of Oregon and in Polk and Yamhill Counties, if the real property is conveyed or otherwise transferred to the United States by, or on behalf of the Tribe.

The bill would provide that the Secretary will treat all applications to take such land into trust as on-reservation trust acquisitions. The bill provides for a prohibition on class II and class III gaming as defined under the *Indian Gaming Regulatory Act*⁵ on real property taken into trust within the boundaries of the original 1857 reservation of the Tribe that is within Polk and Yamhill Counties, except for any real property within two miles of the gaming facility in existence on the date of enactment located on State Highway 18 in the Grand Ronde community, Oregon.

¹The Tribe had a corporate charter approved on June 18, 1934 under the Indian Reorganization Act (25 U.S.C. § 477), which was ratified on August 22, 1936.

²Executive Order Issued by James Buchanan (June 30, 1857).

³25 U.S.C. § 713b, Public Law 98-165, 97 Stat. 1064. This Act is known as the “Grand Ronde Restoration Act” which authorized the re-establishment of a reservation for the Tribe after November 22, 1983, subject to a set of conditions. See 25 U.S.C. § 713f, Pub. L. No. 98-165, 97 Stat. 1068.

⁴Public 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.

⁵Section 4 in 25 U.S.C. § 2703, as those terms are defined.

The bill would provide that land taken into trust within those boundaries after September 9, 1988, are to be considered part of the Tribe's reservation.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated December 22, 2015, was prepared for S. 818:
DECEMBER 22, 2015.

Hon. JOHN BARRASSO,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 818, a bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

KEITH HALL.

Enclosure.

S. 818— A bill to amend the Grand Ronde Reservation Act to make technical corrections

S. 818 would authorize the Secretary of the Interior to take into trust certain real property located within the boundaries of the original reservation of the Confederated Tribes of the Grand Ronde Community of Oregon. The bill would modify the process that the Secretary uses to evaluate such property and specify that any lands taken into trust on behalf of that tribe after September 9, 1988, would be considered part of its reservation.

Based on information from the Department of the Interior, CBO estimates that implementing S. 818 would have no significant effect on the federal budget. We estimate that any change in the department's administrative costs under the bill, which would be subject to appropriation, would not exceed \$500,000 in any year.

Enacting S. 818 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 818 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

S. 818 contains no intergovernmental or private-sector mandates as defined in 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 Megan Carroll. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 818.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 818 will have a minimal impact on regulatory or paperwork requirements.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, changes to existing law made by S. 818, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and new matter is printed in italic):

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

* * * * *

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF RESERVATION.

(a) LANDS HELD IN TRUST; RESERVATION.—[Subject to valid existing rights, including (but not limited to) all]

(1) *IN GENERAL.*—*Subject to valid existing rights, including 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 (referred to in this Act as the ‘Tribes’).* [Such land]

(2) *TREATMENT.*—*The land referred to in paragraph (1) 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.).*

(3) *ADDITIONAL TRUST ACQUISITIONS.*—

(A) *IN GENERAL.*—*The Secretary may accept title in and to any additional real property located within the boundaries of the original 1857 reservation of the Tribes (as established by the Executive order dated June 30, 1857, and 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 Tribes.*

(B) *TREATMENT OF TRUST LAND.*—

(i) *IN GENERAL.*—An application to take land into trust within the boundaries of the original 1857 reservation of the Tribes shall be treated by the Secretary as an on-reservation trust acquisition.

(ii) *GAMING.*—

(I) *IN GENERAL.*—Except as provided in subclause (II), real property taken into trust pursuant to this paragraph shall not be eligible, or used, for any class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(II) *EXCEPTION.*—Subclause (I) shall not apply to any real property located within 2 miles of the gaming facility in existence on the date of enactment of this paragraph located on State Highway 18 in the Grand Ronde community, Oregon.

(C) *RESERVATION.*—All real property taken into trust within the boundaries described in subparagraph (A) at any time after September 9, 1988, shall be considered to be a part of the reservation of the Tribes.

(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 the approximately 11,349.92 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	7, 8, 17, 18	Former tax lot 800, located 18 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

South	West	Section	Subdivision	Acres
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 $\frac{1}{4}$	241.06
6	8	1	N $\frac{1}{2}$ SW $\frac{1}{4}$	29.59
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
			[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 $\frac{1}{4}$	37.39
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 $\frac{1}{4}$	54.64
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, 8	7, 12	NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7; and 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
6	7, 8	6, 1	W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6; and E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec- tion 1	35.82
6	7	5	E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	19.88
6	8	12	NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.29
6	8	1	SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.5
6	7	8	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.16
6	8	1	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.5
6	8	1	SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.34
			Total	11,349.92