

109TH CONGRESS
2D SESSION

H. R. 5394

To waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in Oregon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2006

Ms. HOOLEY (for herself, Mr. DEFazio, Mr. BLUMENAUER, and Mr. WU) introduced the following bill; which was referred to the Committee on Resources

A BILL

To waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in Oregon, 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. FINDINGS.**

4 Regarding that parcel of real property in Marion
5 County, Oregon, deeded by the United States of America
6 to the Confederated Tribes of Siletz Indians of Oregon
7 and the Confederated Tribes of the Grand Ronde Commu-
8 nity of Oregon by Quitclaim Deed dated June 18, 2002,

1 and recorded in the public records of Marion County on
2 June 19, 2002, the Congress finds as follows:

3 (1) The parcel of land described in the Quit-
4 claim Deed dated June 18, 2002, comprising ap-
5 proximately 19.86 acres of land originally used as
6 part of the Chemawa Indian School, was transferred
7 by the United States in 1973 and 1974 to the State
8 of Oregon for use for highway and associated road
9 projects. I-5 and the Salem Parkway were com-
10 pleted and in 1988 the Oregon Department of
11 Transportation deeded the remaining acreage back
12 to the Federal Government.

13 (2) The Federal Government found it could no
14 longer use the returned acreage for the administra-
15 tion of Indian affairs, and determined it would be
16 most appropriate to transfer the property to the
17 Confederated Tribes of Siletz Indians of Oregon and
18 the Confederated Tribes of the Grand Ronde Com-
19 munity of Oregon;

20 (3) The United States transferred the property
21 jointly to the Confederated Tribes of Siletz Indians
22 of Oregon and the Confederated Tribes of the Grand
23 Ronde Community of Oregon, for economic develop-
24 ment or other purposes, pursuant to the authority of
25 the Indian Self-Determination and Education Assist-

1 ance Act (25 U.S.C. 450 et seq.). The Siletz and
2 Grand Ronde Tribes requested that the transfer
3 take place.

4 (4) Transfer of the real property was memorial-
5 ized by the United States in 2 separate documents,
6 an agreement titled “Agreement for Transfer of
7 Federally Owned Buildings, Improvements, Facilities
8 and/or Land from the United States of America the
9 [sic] Confederated Tribes of the Grand Ronde Com-
10 munity of Oregon and the Confederated Tribes of
11 Siletz Tribe [sic] of Oregon,” dated June 21, 2001,
12 and a Quitclaim Deed, dated June 18, 2002 and re-
13 corded in the public records of Marion County, Or-
14 egon, on June 19, 2002, Reel 1959, Page 84.

15 (5) Use of the real property by the two feder-
16 ally recognized Indian tribes for economic develop-
17 ment purposes is consistent with the intent and lan-
18 guage of the Indian Self-Determination and Edu-
19 cation Assistance Act and other Federal Indian stat-
20 utes to encourage tribal economic development and
21 to promote economic self-sufficiency for Indian
22 tribes.

23 (6) The United States does not desire the re-
24 turn of the property to the Federal Government, and
25 does not intend under any circumstances to take ac-

1 tion under the Indian Self-Determination and Edu-
2 cation Assistance Act or other legal authority to
3 seek the return of the property. In reliance upon this
4 intent, the two Indian tribes have committed over
5 \$2,500,000 to infrastructure improvements to the
6 property, including roads and sewer and water sys-
7 tems, and have approved plans to further develop
8 this property for economic development, the realiza-
9 tion of which is dependent upon the Indian tribes'
10 ability to secure conventional financing.

11 **SEC. 2. WAIVER OF APPLICATION OF THE INDIAN SELF DE-**
12 **TERMINATION AND EDUCATION ASSISTANCE**
13 **ACT TO PROPERTY TRANSFERRED BY THE**
14 **UNITED STATES TO THE SILETZ AND GRAND**
15 **RONDE TRIBES.**

16 (a) NONAPPLICATION OF LAW.—Notwithstanding
17 any other provision of law, application of the Indian Self-
18 Determination and Education Assistance Act (25 U.S.C.
19 450 et seq.) shall not apply to the transfer of the real
20 property identified in the Quitclaim Deed dated June 18,
21 2002, from the United States of America to the Confed-
22 erated Tribes of Siletz Indians of Oregon and the Confed-
23 erated Tribes of the Grand Ronde Community of Oregon,
24 and recorded in the public records of Marion County, Or-
25 egon, on June 19, 2002 at Reel 1959, Page 84.

1 (b) NEW DEED.—The Secretary of Interior shall
2 issue a new deed with regard to the real property described
3 in subsection (a) without any restriction on the right to
4 alienate the property and in which all references to the
5 Indian Self-Determination and Education Assistance Act
6 and provisions of that Act shall be omitted.

7 (c) NO GAMING.—Class II and Class III gaming
8 under the Indian Gaming Regulatory Act (25 U.S.C. 2701
9 et seq.) may not be conducted on the real property de-
10 scribed in this section.

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