

Committee on Natural Resources

Rob Bishop Chairman
Mark-Up Memorandum

June 13, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff,
Subcommittee on Indian, Insular and Alaska Native Affairs (x6-9725)

Mark-Up: H.R. 3212 (Rep. Kurt Schrader, D-OR), To amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes.
June 14-15, 2016; 1324 Longworth HOB

Summary of the Bill

H.R. 3212 eases the process for the Grand Ronde Tribe to apply for trust land within the original boundaries of its former 1857 reservation, which encompassed an approximate 60,000-acre area in Polk and Yamhill Counties, Oregon. The bill also deems property placed in trust for the tribe after September 9, 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. Gaming pursuant to the Indian Gaming Regulatory Act¹ would be prohibited on lands taken into trust under the bill, except for land within two miles of the existing Grand Ronde gaming facility.

Cosponsors

None.

Background

The Confederated Tribes of the Grand Ronde Community of Oregon ("Grand Ronde" or "tribe") were among several tribes in Western Oregon that treated with the United States in the 1850's. In 1857, President James Buchanan established the Grand Ronde Reservation.² The reservation was more than 60,000 acres and today the Grand Ronde are 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 Act of Congress.³ This occurred in the context of the "Termination Era" when Congress determined to end its policy of recognizing tribes, holding their lands in a federal trust, and supervising their affairs.

¹ 25 U.S.C. 2701 et seq.

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

³ 25 U.S.C. 691 et. seq.

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 Act⁴ 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.⁵ 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 boundary, Grand Ronde has been acquiring new lands which it then applies to put in trust through Interior's regulatory process. Section 5 of the Indian Reorganization Act of 1934⁶ (IRA) authorizes the Secretary of the Interior, "in his discretion," to acquire any interest in land or water "for the purpose of providing land for Indians." The implementing regulations for the Secretary's acquisition of land in trust for Indians are codified in 25 C.F.R. Part 151.

Analysis of H.R. 3212

H.R. 3212 authorizes the Secretary of the Interior to process trust land applications submitted by Grand Ronde tribe under on-reservation standards of the IRA implementing rules as long as such lands are within the boundaries of its former 1857 Reservation in Polk and Yamhill countries. According to the Grand Ronde, this will shorten the length of time and reduce the regulatory burden for Interior to consider the tribe's trust land applications when the lands are within its 1857 Reservation boundary. The bill would also consider certain other lands acquired by the tribe to be a part of its reservation.

⁴ 25 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.

⁵ Public 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.

⁶ Act of June 18, 1934, 48 Stat. 985 (25 U.S.C. 465), amended by P.L. 100-581, 102 Stat. 2941

Cost

The CBO estimated that the nearly identical Senate companion bill, S. 818, would have no significant impact on the federal budget.⁷

Administration Position

At hearing before the Senate Committee on Indian Affairs on October 7, 2015, the Administration testified in support of the bill. In the 113th Congress, the Administration also testified in support of an identical bill, H.R. 841.

Previous Committee Action

In the 113th Congress, an identical bill to H.R. 3212 passed the House of Representatives by voice vote on January 13, 2014.⁸

Anticipated Amendments

- Bishop – The amendment in the nature of a substitute would make several corrective technical changes to the bill and land descriptions.

Effect on Current Law (Ramseyer):

Showing Current Law as Amended by H.R. 2647

[text to be added highlighted in yellow; text to be deleted in brackets and highlighted in blue]

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]

(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

⁷ See S. Rpt. 114-230 at 3.

⁸ See H.R. 841, To amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes. 113th Congress. 113th Congress. 113th Congress.

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.—

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

(ii) GAMING.—Any real property taken into trust under this paragraph shall not be eligible, or used, for any Class II or Class III gaming activity carried out under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), except for real property within 2 miles of the gaming facility in existence on the date of enactment of this paragraph that is located on State Highway 18 in the Grand Ronde community of Oregon.

(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 11,349.92 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 ¼ SE1/4	40.000
4	7	31	Lots 1, 2, NE¼, E ½ NW ¼	320.89

5	7	6	All	634.02
5	7	7	All	638.99
5	7	18	Lots 1&2, NE ¼, E ½ NW ¼	320.07
5	8	1	SE ¼	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
6	8	1	SW ¼ SW ¼, W ½ SE ¼ SW ¼	53.78
6	8	1	S ½ E ½ SE ¼ SW ¼	10.03
[6]	[7]	[8]	[Tax lot 800]	[5.55]
6	7	7,8, 17, 18	Former tax lot 800, located within the SE ¼ SE ¼ of Section 7; SW ¼ SW ¼ of Section 8; NW ¼ NW ¼ of Section 17; and NE ¼ NE ¼ of Section 18	5.55
4	7	30	Lots 3, 4, SW ¼ NE ¼, SE ¼ NW ¼, E ¼ SW ¼	[240] 241.06
6	8	1	N ½ SW ¼	29.59
6	8	12	W ½ SW ½ NE ¼, SE ¼ SW ¼ NE ¼ NW ¼, N ½ SE ¼ NW ¼, N ½ SW ¼ SW ¼ SE ¼	21.70
6	8	13	W ½ E ½ NW ¼ NW ¼	5.31
6	7	7	E ½ E ½	57.60
6	7	8	SW ¼ SW ¼ NW ¼, W ½ SW ¼	22.46
6	7	17	NW ¼ NW ¼, N ½ SW ¼ NW ¼	10.84
6	7	18	E ½ NE ¼	43.42

[Total..... 10,311.60]

6	8	1	W ½ SE ¼ SE ¼	20.6
6	8	1	N ½ SW ¼ SE ¼	19.99
6	8	1	SE ¼ NE ¼	9.99
6	8	1	NE ¼ SW ¼	10.46
6	8	1	NE ¼ SW ¼, NW ¼ SW ¼	12.99
6	7	6	SW ¼ NW ¼	37.39
6	7	5	SE ¼ SW ¼	24.87
6	7	5, 8	SW ¼ SE ¼ of Section 5; and NE ¼ NE ¼, NW ¼ NE ¼, NE ¼ NW ¼ of section 8	109.9
6	8	1	NW ¼ SE ¼	31.32
6	8	1	NE ¼ SW ¼	8.89
6	8	1	SW ¼ NE ¼, NW ¼ NE ¼	78.4
6	7	8,17	SW ¼ SW ¼ of Section 8; and NE ¼ NW ¼, NW ¼ NW ¼ of Section 17	14.33

6	7	17	NW ¼ NW ¼	6.68
6	8	12	SW ¼ NE ¼	8.19
6	8	1	SE ¼ SW ¼	2.0
6	8	1	SW ¼ SW ¼	5.05
6	8	12	SE ¼, SW ¼	54.64
6	7	17,18	SW ¼, NW ¼ of Section 17; and SE ¼, NE ¼ of Section 18	136.83
6	8	1	SW ¼ SE ¼	20.08
6	7	5	NE ¼ SE ¼, SE ¼ SE ¼, E ½ SE ¼ SW ¼	97.38
4	7	31	SE ¼	159.60
6	7	17	NW ¼ NW ¼	3.14
6	8	12	NW ¼ SE ¼	1.10
6	7	8	SW ¼ SW ¼	0.92
6	8	12	NE ¼ NW ¼	1.99
6	7,8	7, 12	NW ¼ NW ¼ of Section 7; and S ½ NE ¼, E ½ NE ¼ NE ¼ of Section 12	86.48
6	8	12	NE ¼ NW ¼	1.56
6	7,8	6, 1	W ½ SW ¼ SW ¼ of Section 6; and E ½ SE ¼ SE ¼ of Section 1	35.82
6	7	5	E ½ NW ¼ SE ¼	19.88
6	8	12	NW ¼ NE ¼	0.29
6	8	1	SE ¼ SW ¼	2.5
6	7	8	NE ¼ NW ¼	7.16
6	8	1	SE ¼ SW ¼	5.5
6	8	1	SE ¼ NW ¼	1.34

Total 11,349.92