

**Jack Giffen
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**Testimony
Before the House of Representatives Natural Resources Committee**

July 11, 2007

Good morning Chairman Rahall, Ranking Member Young, Congressman DeFazio and other members of the Committee. My name is Jack Giffen, Tribal Council Member and Secretary of the Confederated Tribes of the Grand Ronde Community of Oregon. I appreciate the opportunity to appear before you today to testify in support of S. 375. Before I begin, I want to thank Congresswoman Hooley for introducing the House companion legislation to S. 375 and the other members of the Oregon Congressional Delegation for their support of this important measure.

S. 375 would waive application of the Indian Self-Determination and Education Assistance Act to the transfer of a specific parcel of real property by the United States to the Confederated Tribes of the Grand Ronde Community of Oregon and the Confederated Tribes of Siletz Indians of Oregon; direct the Secretary of the Interior to issue a new deed that will not include any reversionary interest or restriction on the right to alienate the property; and prohibit gaming on the property.

The parcel of property at issue was historically used by the United States as part of the Chemawa Indian School campus in Keizer, Oregon. Both the Confederated Tribes of Grand Ronde and the Confederated Tribes of Siletz have a historic connection to the Chemawa Indian School.

The parcel of land was included in land transfers by the United States in 1973 and 1974 to the State of Oregon for highway and associated road projects. These road projects were completed, and in 1988 the Oregon Department of Transportation deeded the remaining acreage back to the United States. The United States, no

longer having a use for the property, determined it would be most appropriate to transfer the property to Grand Ronde and Siletz for economic development and other purposes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

In 2002, the United States transferred approximately 19.86 acres of land formerly used for the Chemawa Indian School to Grand Ronde and Siletz. The land transfer to the Tribes was executed by quitclaim deed and under the authority of the Indian Self-Determination and Education Assistance Act, which required the United States to include a reversionary clause in the deed whereby title to the parcel would revert back to the United States in certain circumstances.

As indicated in a letter dated July 7, 2006, from the Acting Northwest Regional Director of the Bureau of Indian Affairs to the Honorable Delores Pigsley, Chairman of the Confederated Tribes of Siletz Indians of Oregon, the United States intended for the tribes to freely and fully develop the property. In a July 3, 2007 email to Jackie Cheeks at BIA Central, Northwest Regional Director, Stanley M. Speaks stated, "We are in total support of S. 375. This bill with waiver will provide the Siletz and Grand Ronde Tribes with the opportunity to obtain a loan to finance economic and business development on a track of property located in Kaiser, Oregon, that was earlier transferred from the Federal Government to the Tribes. The business ventures of the Tribes will provide jobs for Tribal and local community members."

The reversionary clause in the deed, however, has created financing difficulties for the Tribes and prevented full development of the parcel of land. S. 375 is intended to eliminate the reversionary interest of the United States in the parcel so that the tribes may fully utilize the land for non-gaming economic development purposes.

Developing this land will serve a variety of self-governance goals. These include the following:

- Provide funding for Tribal programs
- Increase the Tribes' economic self-sufficiency
- Provide employment and training for Tribal members (particularly those for whom commuting to Grand Ronde or Siletz may be a hardship)

- Diversify Grand Ronde and Siletz Tribal economies
- Provide a non-gaming revenue source
- Enhance relationships with other governmental agencies that may foster intergovernmental partnerships

The tribes have committed over \$2.5 million to infrastructure improvements to the parcel, and have approved plans to further develop the property for economic purposes, the realization of which is dependent on the ability of the Tribes to secure conventional financing. The parcel of land is an integral component of a major commercial development advocated by the City of Keizer in Oregon, where the property is located. The Tribes' master plan for the property includes development of a gas station, restaurants, retail space and flex office space.

By waiving the application of the Indian Self-Determination and Education Assistance Act to the transfer of the property, S. 375 will clear title to the parcel of land and allow the Tribes to obtain conventional financing from commercial lending institutions and realize the full commercial potential of the property. S. 375 contains an express prohibition on using the property for gaming purposes.

S. 375 unanimously passed the United States Senate on May 22, 2007.

Mr. Chairman, I want to again thank you for this opportunity to testify before the Committee this morning and look forward to answering any questions you or the other members of the committee may have.

