

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

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MAY 11, 2016.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3211]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3211) 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 without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3211 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 in 1855 (Executive Order No. 152 (November 9, 1855)).

In 1954, federal supervision over the Siletz Indians was terminated by an Act of Congress (25 U.S.C. § 691 et seq.). 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, Siletz Indian Tribe Restoration Act). 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 Indians, consisting of 3,630 acres as well as a parcel known as Government Hill that was conveyed by the city of Siletz (Public Law 96–340; 94 Stat. 1072). 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 which operate on their tribal lands.

H.R. 3211 eases the process for the Siletz 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. It is not Congress's intent to place gaming prohibitions on lands already held in trust for the benefit of the Siletz Tribe within the former 1855 Siletz Coast Reservation.

COMMITTEE ACTION

H.R. 3211 was introduced on July 23, 2015, 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, Insular and Alaska Native Affairs. On March 15, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was ordered favorably reported to the House of Representatives by unanimous consent on March 16, 2016.

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 Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 29, 2016.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3211, a bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.

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.

H.R. 3211—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. 3211 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 (DOI) 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. For the purpose of evaluating the land to be taken into trust, the bill would require the Secretary to treat “off-reservation” property as if it were “on-reservation” property. That change would simplify the process of taking such property into trust. Under the legislation, all property taken into trust would be considered part of the reservation.

Based on information from DOI, CBO estimates that implementing H.R. 3211 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 H.R. 3211 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 3211 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 3211 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On December 22, 2015, CBO transmitted a cost estimate for S. 817, similar legislation, as ordered reported by the Senate Committee on Indian Affairs on November 18, 2015. H.R. 3211 and S. 817 are similar, and the CBO cost estimates are the same.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by Theresa Gullo, 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 Representa-

tives 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. The Congressional Budget Office estimates that implementing this bill “would have no significant effect on the federal budget.”

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):

SECTION 7 OF THE SILETZ INDIAN TRIBE RESTORATION ACT

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 Taxation, 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 reservation 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.).*