

109TH CONGRESS  
2D SESSION

# S. 3687

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 the State of Oregon, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 19, 2006

Mr. SMITH (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## 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 the State of 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       With respect to the parcel of real property in Marion  
5       County, Oregon, deeded by the United States to the Con-  
6       federated Tribes of Siletz Indians of Oregon and the Con-  
7       federated Tribes of the Grand Ronde Community of Or-  
8       egon by quitclaim deed dated June 18, 2002, and recorded

1 in the public records of Marion County on June 19, 2002,  
2 Congress finds that—

3 (1) the parcel of land described in the quitclaim  
4 deed, comprising approximately 19.86 acres of land  
5 originally used as part of the Chemawa Indian  
6 School, was transferred by the United States in  
7 1973 and 1974 to the State of Oregon for use for  
8 highway and associated road projects;

9 (2) Interstate Route 5 and the Salem Parkway  
10 were completed, and in 1988 the Oregon Depart-  
11 ment of Transportation deeded the remaining acre-  
12 age of the parcel back to the United States;

13 (3) the United States could no longer use the  
14 returned acreage for the administration of Indian af-  
15 fairs, and determined it would be most appropriate  
16 to transfer the property to the Confederated Tribes  
17 of Siletz Indians of Oregon and the Confederated  
18 Tribes of the Grand Ronde Community of Oregon;

19 (4) on request of the Confederated Tribes of  
20 Siletz Indians of Oregon and the Confederated  
21 Tribes of the Grand Ronde Community of Oregon,  
22 the United States transferred the parcel jointly to  
23 the Tribes for economic development and other pur-  
24 poses under the Indian Self-Determination and Edu-  
25 cation Assistance Act (25 U.S.C. 450 et seq.);

1 (5) the transfer of the parcel was memorialized  
2 by the United States in 2 documents, including—

3 (A) an agreement titled “Agreement for  
4 Transfer of Federally Owned Buildings, Im-  
5 provements, Facilities and/or Land from the  
6 United States of America the [sic] Confed-  
7 erated Tribes of the Grand Ronde Community  
8 of Oregon and the Confederated Tribes of Siletz  
9 Tribe [sic] of Oregon”, dated June 21, 2001;  
10 and

11 (B) a quitclaim deed dated June 18, 2002,  
12 and recorded in the public records of Marion  
13 County, Oregon, on June 19, 2002 (reel 1959,  
14 page 84);

15 (6) use of the parcel by Tribes for economic de-  
16 velopment purposes is consistent with the intent and  
17 language of the Indian Self-Determination and Edu-  
18 cation Assistance Act (25 U.S.C. 450 et seq.) and  
19 other Federal Indian law—

20 (A) to encourage tribal economic develop-  
21 ment; and

22 (B) to promote economic self-sufficiency  
23 for Indian tribes;

24 (7) the United States does not desire the return  
25 of the parcel and does not intend under any cir-

1        cumstances to take action under the Indian Self-Determination and Education Assistance Act (25  
 2        U.S.C. 450 et seq.) or any other legal authority to  
 3        seek the return of the parcel; and  
 4

5            (8) in reliance on this intent, the Tribes have  
 6        committed over \$2,500,000 to infrastructure im-  
 7        provements to the parcel, including roads and sewer  
 8        and water systems, and have approved plans to fur-  
 9        ther develop the parcel for economic purposes, the  
 10       realization of which is dependent on the ability of  
 11       the Tribes to secure conventional financing.

12    **SEC. 2. WAIVER OF APPLICATION OF INDIAN SELF-DETER-**  
 13                            **MINATION AND EDUCATION ASSISTANCE ACT.**

14        (a) NONAPPLICATION OF LAW.—Notwithstanding  
 15    any other provision of law, the Indian Self-Determination  
 16    and Education Assistance Act (25 U.S.C. 450 et seq.)  
 17    shall not apply to the transfer of the parcel of real prop-  
 18    erty in Marion County, Oregon, deeded by the United  
 19    States to the Confederated Tribes of Siletz Indians of Or-  
 20    egon and the Confederated Tribes of the Grand Ronde  
 21    Community of Oregon by quitclaim deed dated June 18,  
 22    2002, and recorded in the public records of Marion County  
 23    on June 19, 2002.

1       (b) NEW DEED.—The Secretary of the Interior shall  
2 issue a new deed to the Tribes to the parcel described in  
3 subsection (a) that shall not include—

4           (1) any restriction on the right to alienate the  
5 parcel; or

6           (2) any reference to any provision of the Indian  
7 Self-Determination and Education Assistance Act  
8 (25 U.S.C. 450 et seq.).

9       (c) PROHIBITION ON GAMING.—Class II gaming and  
10 class III gaming under the Indian Gaming Regulatory Act  
11 (25 U.S.C. 2701 et seq.) shall not be conducted on the  
12 parcel described in subsection (a).

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