

Calendar No. 642109TH CONGRESS
2^D SESSION**S. 3687****[Report No. 109-349]**

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.

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

SEPTEMBER 26, 2006

Reported by Mr. MCCAIN, without amendment

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,*

1 **SECTION 1. FINDINGS.**

2 With respect to the parcel of real property in Marion
3 County, Oregon, deeded by the United States to the Con-
4 federated Tribes of Siletz Indians of Oregon and the Con-
5 federated Tribes of the Grand Ronde Community of Or-
6 egon by quitclaim deed dated June 18, 2002, and recorded
7 in the public records of Marion County on June 19, 2002,
8 Congress finds that—

9 (1) the parcel of land described in the quitclaim
10 deed, comprising approximately 19.86 acres of land
11 originally used as part of the Chemawa Indian
12 School, was transferred by the United States in
13 1973 and 1974 to the State of Oregon for use for
14 highway and associated road projects;

15 (2) Interstate Route 5 and the Salem Parkway
16 were completed, and in 1988 the Oregon Depart-
17 ment of Transportation deeded the remaining acre-
18 age of the parcel back to the United States;

19 (3) the United States could no longer use the
20 returned acreage for the administration of Indian af-
21 fairs, and determined it would be most appropriate
22 to transfer the property to the Confederated Tribes
23 of Siletz Indians of Oregon and the Confederated
24 Tribes of the Grand Ronde Community of Oregon;

25 (4) on request of the Confederated Tribes of
26 Siletz Indians of Oregon and the Confederated

1 Tribes of the Grand Ronde Community of Oregon,
2 the United States transferred the parcel jointly to
3 the Tribes for economic development and other pur-
4 poses under the Indian Self-Determination and Edu-
5 cation Assistance Act (25 U.S.C. 450 et seq.);

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

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

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

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

1 (A) to encourage tribal economic develop-
2 ment; and

3 (B) to promote economic self-sufficiency
4 for Indian tribes;

5 (7) the United States does not desire the return
6 of the parcel and does not intend under any cir-
7 cumstances to take action under the Indian Self-De-
8 termination and Education Assistance Act (25
9 U.S.C. 450 et seq.) or any other legal authority to
10 seek the return of the parcel; and

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

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

20 (a) NONAPPLICATION OF LAW.—Notwithstanding
21 any other provision of law, the Indian Self-Determination
22 and Education Assistance Act (25 U.S.C. 450 et seq.)
23 shall not apply to the transfer of the parcel of real prop-
24 erty in Marion County, Oregon, deeded by the United
25 States to the Confederated Tribes of Siletz Indians of Or-

1 egon and the Confederated Tribes of the Grand Ronde
2 Community of Oregon by quitclaim deed dated June 18,
3 2002, and recorded in the public records of Marion County
4 on June 19, 2002.

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

8 (1) any restriction on the right to alienate the
9 parcel; or

10 (2) any reference to any provision of the Indian
11 Self-Determination and Education Assistance Act
12 (25 U.S.C. 450 et seq.).

13 (c) PROHIBITION ON GAMING.—Class II gaming and
14 class III gaming under the Indian Gaming Regulatory Act
15 (25 U.S.C. 2701 et seq.) shall not be conducted on the
16 parcel described in subsection (a).

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