

**Suspend the Rules and Pass the Bill, H.R. 5701, with an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5701

To require that certain Federal lands be held in trust by the United States for the benefit of federally recognized tribes in the State of Oregon, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2014

Mr. DEFAZIO (for himself and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To require that certain Federal lands be held in trust by the United States for the benefit of federally recognized 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. SHORT TITLE.**

4 This Act may be cited as the “Western Oregon Indian  
5 Tribal Lands Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—RESERVATION OF CONFEDERATED TRIBES OF THE  
GRAND RONDE COMMUNITY OF OREGON

- Sec. 101. Additional lands for reservation.

TITLE II—OREGON COASTAL LANDS

- Sec. 201. Short title.
- Sec. 202. Definitions.
- Sec. 203. Conveyance.
- Sec. 204. Map and legal description.
- Sec. 205. Administration.
- Sec. 206. Land reclassification.

TITLE III—COW CREEK UMPQUA LAND CONVEYANCE

- Sec. 301. Short title.
- Sec. 302. Definitions.
- Sec. 303. Conveyance.
- Sec. 304. Map and legal description.
- Sec. 305. Administration.
- Sec. 306. Land reclassification.

TITLE IV—SILETZ TRIBE INDIAN RESTORATION ACT

- Sec. 401. Purpose; clarification.
- Sec. 402. Treatment of certain property of the Siletz tribe of the State of Oregon.

TITLE V—AMENDMENTS TO COQUILLE RESTORATION ACT

- Sec. 501. Amendments to Coquille Restoration Act.

1 **TITLE I—RESERVATION OF CON-**  
 2 **FEDERATED TRIBES OF THE**  
 3 **GRAND RONDE COMMUNITY**  
 4 **OF OREGON**

5 **SEC. 101. ADDITIONAL LANDS FOR RESERVATION.**

6 Section 1 of the Act entitled “An Act to establish a  
 7 reservation for the Confederated Tribes of the Grand  
 8 Ronde Community of Oregon, and for other purposes,”  
 9 approved September 9, 1988 (Public Law 100–425; 102  
 10 Stat. 1594; 102 Stat. 2939; 104 Stat. 207; 106 Stat.

1 3255; 108 Stat. 708; 108 Stat. 4566; 112 Stat. 1896),  
2 is amended—

3 (1) in subsection (a)—

4 (A) by striking “Subject to valid” and in-  
5 serting the following:

6 “(1) IN GENERAL.—Subject to valid”; and

7 (B) by adding after paragraph (1) (as des-  
8 ignated by subparagraph (A)) the following:

9 “(2) ADDITIONAL TRUST ACQUISITIONS.—

10 “(A) IN GENERAL.—The Secretary may  
11 accept title to any additional number of acres of  
12 real property located within the boundaries of  
13 the original 1857 reservation of the Confed-  
14 erated Tribes of the Grand Ronde Community  
15 of Oregon established by Executive order dated  
16 June 30, 1857, comprised of land within the  
17 political boundaries of Polk and Yamhill Coun-  
18 ties, Oregon, if that real property is conveyed or  
19 otherwise transferred to the United States by or  
20 on behalf of the Tribe.

21 “(B) TREATMENT OF TRUST LAND.—

22 “(i) Applications to take land into  
23 trust within the boundaries of the original  
24 1857 reservation shall be treated by the

1 Secretary as an on-reservation trust acqui-  
2 sition.

3 “(ii) Any real property taken into  
4 trust under this paragraph shall not be eli-  
5 gible, or used, for any Class II or Class III  
6 gaming activity carried out under the In-  
7 dian Gaming Regulatory Act (25 U.S.C.  
8 2701 et seq.), except for real property  
9 within 2 miles of the gaming facility in ex-  
10 istence on the date of enactment of this  
11 paragraph that is located on State High-  
12 way 18 in the Grand Ronde community of  
13 Oregon.

14 “(C) RESERVATION.—All real property  
15 taken into trust within those boundaries at any  
16 time after September 9, 1988, shall be part of  
17 the reservation of the Tribe.”; and

18 (2) in subsection (c)—

19 (A) in the matter preceding the table, by  
20 striking “in subsection (a) are approximately  
21 10,311.60” and inserting “in subsection (a)(1)  
22 are approximately 11,349.92”; and

23 (B) in the table—

24 (i) by striking the following:

1 and inserting the following:

“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”;
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2 (ii) in the acres column of the last  
 3 item added by section 2(a)(1) of Public  
 4 Law 103–445 (108 Stat. 4566), by strik-  
 5 ing “240” and inserting “241.06”; and

6 (iii) by striking all text after

“6	7	18	E ½ NE ¼	43.42”;
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7 and inserting the following:

“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	NW¼ NW ¼	6.68
6	8	12	SW ¼ NE¼	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



1 tled “Oregon Coastal Land Conveyance” and dated  
2 March 27, 2013.

3 (3) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior.

5 **SEC. 203. CONVEYANCE.**

6 (a) IN GENERAL.—Subject to valid existing rights,  
7 including rights-of-way, all right, title, and interest of the  
8 United States in and to the Oregon Coastal land, includ-  
9 ing any improvements located on the land, appurtenances  
10 to the land, and minerals on or in the land, including oil  
11 and gas, shall be—

12 (1) held in trust by the United States for the  
13 benefit of the Confederated Tribes; and

14 (2) part of the reservation of the Confederated  
15 Tribes.

16 (b) SURVEY.—Not later than one year after the date  
17 of enactment of this Act, the Secretary shall complete a  
18 survey of the boundary lines to establish the boundaries  
19 of the land taken into trust under subsection (a).

20 **SEC. 204. MAP AND LEGAL DESCRIPTION.**

21 (a) IN GENERAL.—As soon as practicable after the  
22 date of enactment of this Act, the Secretary shall file a  
23 map and legal description of the Oregon Coastal land  
24 with—

1           (1) the Committee on Energy and Natural Re-  
2           sources of the Senate; and

3           (2) the Committee on Natural Resources of the  
4           House of Representatives.

5           (b) **FORCE AND EFFECT.**—The map and legal de-  
6           scription filed under subsection (a) shall have the same  
7           force and effect as if included in this title, except that  
8           the Secretary may correct any clerical or typographical er-  
9           rors in the map or legal description.

10          (c) **PUBLIC AVAILABILITY.**—The map and legal de-  
11          scription filed under subsection (a) shall be on file and  
12          available for public inspection in the Office of the Sec-  
13          retary.

14          **SEC. 205. ADMINISTRATION.**

15          (a) **IN GENERAL.**—Unless expressly provided in this  
16          title, nothing in this title affects any right or claim of the  
17          Confederated Tribes existing on the date of enactment of  
18          this Act to any land or interest in land.

19          (b) **PROHIBITIONS.**—

20                 (1) **EXPORTS OF UNPROCESSED LOGS.**—Fed-  
21                 eral law (including regulations) relating to the ex-  
22                 port of unprocessed logs harvested from Federal  
23                 land shall apply to any unprocessed logs that are  
24                 harvested from the Oregon Coastal land taken into  
25                 trust under section 203.

1           (2) NON-PERMISSIBLE USE OF LAND.—Any real  
2           property taken into trust under section 203 shall not  
3           be eligible, or used, for any gaming activity carried  
4           out under Public Law 100–497 (25 U.S.C. 2701 et  
5           seq.).

6           (c) LAWS APPLICABLE TO COMMERCIAL FORESTRY  
7           ACTIVITY.—Any commercial forestry activity that is car-  
8           ried out on the Oregon Coastal land taken into trust under  
9           section 203 shall be managed in accordance with all appli-  
10          cable Federal laws.

11          (d) AGREEMENTS.—The Confederated Tribes shall  
12          consult with the Secretary and other parties as necessary  
13          to develop agreements to provide for access to the Oregon  
14          Coastal land taken into trust under section 203 that pro-  
15          vide for—

16                (1) honoring existing reciprocal right-of-way  
17                agreements;

18                (2) administrative access by the Bureau of  
19                Land Management; and

20                (3) management of the Oregon Coastal land  
21                that are acquired or developed under the Land and  
22                Water Conservation Fund Act of 1965 (16 U.S.C.  
23                460l–4 et seq.), consistent with section 8(f)(3) of  
24                that Act (162 U.S.C. 460l–8(f)(3)).

1 (e) LAND USE PLANNING REQUIREMENTS.—Except  
2 as provided in subsection (c), once the Oregon Coastal  
3 land is taken into trust under section 203, the land shall  
4 not be subject to the land use planning requirements of  
5 the Federal Land Policy and Management Act of 1976  
6 (43 U.S.C. 1701 et seq.) or the Act of August 28, 1937  
7 (43 U.S.C. 1181a et seq.).

8 **SEC. 206. LAND RECLASSIFICATION.**

9 (a) IDENTIFICATION OF OREGON AND CALIFORNIA  
10 RAILROAD GRANT LAND.—Not later than 180 days after  
11 the date of enactment of this Act, the Secretary of Agri-  
12 culture and the Secretary shall identify any Oregon and  
13 California Railroad grant land that is held in trust by the  
14 United States for the benefit of the Confederated Tribes  
15 under section 203.

16 (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—  
17 Not later than 18 months after the date of enactment of  
18 this Act, the Secretary shall identify public domain land  
19 in the State of Oregon that—

20 (1) is approximately equal in acreage and con-  
21 dition as the Oregon and California Railroad grant  
22 land identified under subsection (a); and

23 (2) is located in the vicinity of the Oregon and  
24 California Railroad grant land.

1 (c) MAPS.—Not later than 2 years after the date of  
2 enactment of this Act, the Secretary shall submit to Con-  
3 gress and publish in the Federal Register one or more  
4 maps depicting the land identified in subsections (a) and  
5 (b).

6 (d) RECLASSIFICATION.—

7 (1) IN GENERAL.—After providing an oppor-  
8 tunity for public comment, the Secretary shall re-  
9 classify the land identified in subsection (b) as Or-  
10 egon and California Railroad grant land.

11 (2) APPLICABILITY.—The Act of August 28,  
12 1937 (43 U.S.C. 1181a et seq.), shall apply to land  
13 reclassified as Oregon and California Railroad grant  
14 land under paragraph (1).

## 15 **TITLE III—COW CREEK UMPQUA** 16 **LAND CONVEYANCE**

### 17 **SEC. 301. SHORT TITLE.**

18 This title may be cited as the “Cow Creek Umpqua  
19 Land Conveyance Act”.

### 20 **SEC. 302. DEFINITIONS.**

21 In this title:

22 (1) COUNCIL CREEK LAND.—The term “Council  
23 Creek land” means the approximately 17,519 acres  
24 of land, as generally depicted on the map entitled

1 “Canyon Mountain Land Conveyance” and dated  
2 June 27, 2013.

3 (2) **TRIBE.**—The term “Tribe” means the Cow  
4 Creek Band of Umpqua Tribe of Indians.

5 (3) **SECRETARY.**—The term “Secretary” means  
6 the Secretary of the Interior.

7 **SEC. 303. CONVEYANCE.**

8 (a) **IN GENERAL.**—Subject to valid existing rights,  
9 including rights-of-way, all right, title, and interest of the  
10 United States in and to the Council Creek land, including  
11 any improvements located on the land, appurtenances to  
12 the land, and minerals on or in the land, including oil and  
13 gas, shall be—

14 (1) held in trust by the United States for the  
15 benefit of the Tribe; and

16 (2) part of the reservation of the Tribe.

17 (b) **SURVEY.**—Not later than one year after the date  
18 of enactment of this Act, the Secretary shall complete a  
19 survey of the boundary lines to establish the boundaries  
20 of the land taken into trust under subsection (a).

21 **SEC. 304. MAP AND LEGAL DESCRIPTION.**

22 (a) **IN GENERAL.**—As soon as practicable after the  
23 date of enactment of this Act, the Secretary shall file a  
24 map and legal description of the Council Creek land  
25 with—

1           (1) the Committee on Energy and Natural Re-  
2           sources of the Senate; and

3           (2) the Committee on Natural Resources of the  
4           House of Representatives.

5           (b) **FORCE AND EFFECT.**—The map and legal de-  
6           scription filed under subsection (a) shall have the same  
7           force and effect as if included in this title, except that  
8           the Secretary may correct any clerical or typographical er-  
9           rors in the map or legal description.

10          (c) **PUBLIC AVAILABILITY.**—The map and legal de-  
11          scription filed under subsection (a) shall be on file and  
12          available for public inspection in the Office of the Sec-  
13          retary.

14          **SEC. 305. ADMINISTRATION.**

15          (a) **IN GENERAL.**—Unless expressly provided in this  
16          title, nothing in this title affects any right or claim of the  
17          Tribe existing on the date of enactment of this Act to any  
18          land or interest in land.

19          (b) **PROHIBITIONS.**—

20                (1) **EXPORTS OF UNPROCESSED LOGS.**—Fed-  
21                eral law (including regulations) relating to the ex-  
22                port of unprocessed logs harvested from Federal  
23                land shall apply to any unprocessed logs that are  
24                harvested from the Council Creek land.

1           (2) NON-PERMISSIBLE USE OF LAND.—Any real  
2           property taken into trust under section 303 shall not  
3           be eligible, or used, for any gaming activity carried  
4           out under Public Law 100–497 (25 U.S.C. 2701 et  
5           seq.).

6           (c) FOREST MANAGEMENT.—Any forest management  
7           activity that is carried out on the Council Creek land shall  
8           be managed in accordance with all applicable Federal  
9           laws.

10 **SEC. 306. LAND RECLASSIFICATION.**

11           (a) IDENTIFICATION OF OREGON AND CALIFORNIA  
12 RAILROAD GRANT LAND.—Not later than 180 days after  
13 the date of enactment of this Act, the Secretary of Agri-  
14 culture and the Secretary shall identify any Oregon and  
15 California Railroad grant land that is held in trust by the  
16 United States for the benefit of the Tribe under section  
17 303.

18           (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—  
19 Not later than 18 months after the date of enactment of  
20 this Act, the Secretary shall identify public domain land  
21 in the State of Oregon that—

22           (1) is approximately equal in acreage and con-  
23           dition as the Oregon and California Railroad grant  
24           land identified under subsection (a); and

1           (2) is located in the vicinity of the Oregon and  
2           California Railroad grant land.

3           (c) MAPS.—Not later than 2 years after the date of  
4           enactment of this Act, the Secretary shall submit to Con-  
5           gress and publish in the Federal Register one or more  
6           maps depicting the land identified in subsections (a) and  
7           (b).

8           (d) RECLASSIFICATION.—

9           (1) IN GENERAL.—After providing an oppor-  
10          tunity for public comment, the Secretary shall re-  
11          classify the land identified in subsection (b) as Or-  
12          egon and California Railroad grant land.

13          (2) APPLICABILITY.—The Act of August 28,  
14          1937 (43 U.S.C. 1181a et seq.), shall apply to land  
15          reclassified as Oregon and California Railroad grant  
16          land under paragraph (1).

## 17   **TITLE IV—SILETZ TRIBE INDIAN** 18                           **RESTORATION ACT**

### 19   **SEC. 401. PURPOSE; CLARIFICATION.**

20          (a) PURPOSE.—The purpose of this title is to facili-  
21          tate fee-to-trust applications for the Siletz Tribe within  
22          the geographic area specified in the amendment made by  
23          this title.

24          (b) CLARIFICATION.—Except as specifically provided  
25          otherwise by this title or the amendment made by this

1 title, nothing in this title or the amendment made by this  
2 title, shall prioritize for any purpose the claims of any fed-  
3 erally recognized Indian tribe over the claims of any other  
4 federally recognized Indian tribe.

5 **SEC. 402. TREATMENT OF CERTAIN PROPERTY OF THE**  
6 **SILETZ TRIBE OF THE STATE OF OREGON.**

7 Section 7 of the Siletz Tribe Indian Restoration Act  
8 (25 U.S.C. 711e) is amended by adding at the end the  
9 following:

10 “(f) TREATMENT OF CERTAIN PROPERTY.—

11 “(1) IN GENERAL.—

12 “(A) TITLE.—The Secretary may accept  
13 title to any additional number of acres of real  
14 property located within the boundaries of the  
15 original 1855 Siletz Coast Reservation estab-  
16 lished by Executive order dated November 9,  
17 1855, comprised of land within the political  
18 boundaries of Benton, Douglas, Lane, Lincoln,  
19 Tillamook, and Yamhill Counties in the State of  
20 Oregon, if that real property is conveyed or oth-  
21 erwise transferred to the United States by or on  
22 behalf of the tribe.

23 “(B) TRUST.—Land to which title is ac-  
24 cepted by the Secretary under this paragraph

1           shall be held in trust by the United States for  
2           the benefit of the tribe.

3           “(2) TREATMENT AS PART OF RESERVATION.—

4           All real property that is taken into trust under para-  
5           graph (1) shall—

6                   “(A) be considered and evaluated as an on-  
7                   reservation acquisition under part 151.10 of  
8                   title 25, Code of Federal Regulations (or suc-  
9                   cessor regulations); and

10                   “(B) become part of the reservation of the  
11                   tribe.

12           “(3) PROHIBITION ON GAMING.—Any real prop-  
13           erty taken into trust under paragraph (1) shall not  
14           be eligible, or used, for any gaming activity carried  
15           out under the Indian Gaming Regulatory Act (25  
16           U.S.C. 2701 et seq.).”.

17           **TITLE V—AMENDMENTS TO**  
18           **COQUILLE RESTORATION ACT**

19           **SEC. 501. AMENDMENTS TO COQUILLE RESTORATION ACT.**

20           Section 5(d) of the Coquille Restoration Act (25  
21           U.S.C. 715e(d)) is amended—

22                   (1) by striking paragraph (5) and inserting the  
23                   following:

24                   “(5) MANAGEMENT.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), the Secretary, acting through the  
3 Assistant Secretary for Indian Affairs, shall  
4 manage the Coquille Forest in accordance with  
5 the laws pertaining to the management of In-  
6 dian trust land.

7           “(B) ADMINISTRATION.—

8           “(i) UNPROCESSED LOGS.—Unproc-  
9 essed logs harvested from the Coquille For-  
10 est shall be subject to the same Federal  
11 statutory restrictions on export to foreign  
12 nations that apply to unprocessed logs har-  
13 vested from Federal land.

14           “(ii) SALES OF TIMBER.—Notwith-  
15 standing any other provision of law, all  
16 sales of timber from land subject to this  
17 subsection shall be advertised, offered, and  
18 awarded according to competitive bidding  
19 practices, with sales being awarded to the  
20 highest responsible bidder.”;

21           (2) by striking paragraph (9); and

22           (3) by redesignating paragraphs (10) through  
23 (12) as paragraphs (9) through (11), respectively.