

# Congress of the United States

Washington, DC 20510

January 25, 2016

The Honorable Sally Jewell  
Secretary  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Jewell,

We write concerning the legislative history of the land acquired by the Coquille Indian Tribe under the Coquille Restoration Act (CRA) of 1989. Some clarification of that legislative history may be relevant to current deliberations within the Department.

Currently, the Coquille Indian Tribe operates a Class III casino in North Bend, Oregon and has proposed to build a Class II casino in Medford, Oregon. The Coquille Indian Tribe is basing its decision to expand its casino operations on an authority given to the Secretary under the CRA. As two of the three original authors of the CRA, we wanted to clarify the history of the act as it relates to tribal gaming in Oregon.

When first introduced, the CRA authorized the blanket acquisition of land in trust for Coquille within its service area – which included Coos, Curry, Douglas, Jackson, and Lane Counties in Oregon, and it did not include a reference to Indian Reorganization Act (IRA) land acquisition. However, before the CRA passed, the House Natural Resources Committee amended the bill to clarify that the Secretary of the Interior “shall accept any real property located in Coos and Curry Counties not to exceed one thousand acres,” and “may accept any additional acreage in the Tribe’s service area pursuant to his authority under the [Indian Reorganization] Act of June 18, 1934 (48 Stat. 984).” (emphasis added). This discretionary language was added to ensure that the Secretary could use the authority under the IRA to take land into trust for the Coquille Indian Tribe, the same way it can for other Oregon tribes, to be in addition to the original one thousand acres of restored lands that were taken into trust under the CRA.

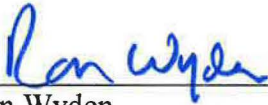
When it comes to gaming, tribes must follow the requirements of the Indian Gaming Regulatory Act (IGRA), which says that a casino can only be built on lands that are part of a settlement of a land claim, the initial reservation of the tribe, or the restoration of lands for a tribe restored to Federal recognition. This last requirement, the restored tribe and restored lands requirement, cannot be read to give an advantage to restored tribes to game on any lands within its service area, but rather it ensures that restored tribes are treated equally to tribes recognized earlier. According to IGRA, if the land to be taken into trust is not “restored land,” the tribe must get the

permission from the Secretary and the State where the lands are located in order to take land into trust for the purposes of gaming.

We understood the above to be the existing law, and did not intend the establishment of a multi-county service area for the Coquille Indian Tribe in the CRA to supersede the requirements of IGRA. The inclusion of Secretarial discretion for future expansions of the Coquille Indian Tribe reservation under the authority of the IRA, makes that clear.

As the authors of the CRA, we ask that you keep in mind the purpose and intent of our legislation as you work through the Coquille Indian Tribe trust application. Please do not hesitate to contact us if we can provide any further context for the passage of the CRA or answer any of your questions.

Sincerely,



Ron Wyden  
United States Senator



Peter A. DeFazio  
Member of Congress

Cc: Kevin Washburn  
Assistant Secretary for Indian Affairs