

## CHAIRMAN'S REPORT

### McCain Amendments to the Indian Gaming Regulatory Act

On March 29, Sen. John McCain's Indian Affairs Committee unanimously approved moving its bill to the Senate floor which, if passed by the Senate, would add new Indian gaming regulations to the Indian Gaming Regulatory Act (IGRA) and limit off-reservation gaming.

Specifically, Senate bill S-2078 would extend the National Indian Gaming Commission's (NIGC) authority to regulate Class III gaming, require internal control standards, expand personnel subject to NIGC background checks, and require the NIGC to approve all gaming-related contracts and grants.

Because Sen. McCain has had a priority concern about the proliferation of tribes seeking off-reservation casinos, S-2078 includes a provision that would end new off-reservation Indian gaming, with an exception for restored tribes. The bill would, however, "grandfather" any tribe that filed an application for off-reservation gaming by April 15, 2006.

The Warm Springs Tribe, which submitted a completed application months ago to the secretary, would be covered under this "grandfather" provision and the tribe would be able to continue its pursuit of a casino in Cascade Locks.

As I stated in my last article, a number of wealthy tribes with large, exceptionally lucrative casinos have been actively campaigning to block the establishment of competing casinos. And, as many of you know by now, some of these tribes have been implicated in the Abramoff lobbying scandal. As expected, they have been campaigning against the inclusion of the "grandfather" provision in S-2078.

Although Sen. Tom Coburn of Oklahoma filed an amendment to remove the "grandfather" section from the bill, the provision was not included in the mark-up.

I also should mention that the bill's requirements are different for newly restored or landless tribes seeking to acquire land for gaming. Such tribes must have "an historical and geographical nexus to the land" and must meet what is known as the secretarial two-part determination: that the proposed casino must be in the best interest of the tribe and would "not create any significant unmitigated impacts on the surrounding community." The governor's approval, however, would not be required.

The Cowlitz Tribe, a relatively new federally recognized landless tribe, appears eligible for a casino under S-2078, which may have at least some economic impact on Oregon casinos.

On the House side, Resources Committee Chairman Richard Pombo held hearings to amend IGRA that would have effectively killed any new off-reservation gaming. His proposal was the elimination of the two-part



Delores Pigsley

secretarial determination and no grandfather provision.

Vigorous lobbying by tribes will continue for and against the "grandfather" provisions. Sen. McCain expects to get these amendments passed in this Congress.

### Other Indian Issues of National, Regional and Local Importance

During the past month, the U.S. Congress, the administration, and national Indian organizations addressed other important national Indian issues.

#### BIA Consultation on Off-Reservation Regulations

In a March 27 press conference, the BIA scheduled four consultation meetings on off-reservation gaming regulations. The first was held on March 30 and the others during April.

#### BIA-IHS 2007 Budget Hearings

Regarding the BIA and IHS FY2007 budget, testimony was heard by the House Appropriations Subcommittee for Interior.

Chairman Antone Minthorne of Umatilla and Ron Suppah of Warm Springs appeared before the committee and appealed for increased contract support funds and, among other needs, for restoring to at least the previous funding levels a variety of essential BIA and IHS programs with critical needs.

#### Chemawa Station Land Bill

Still closer to home are actions taken by legislators on the joint Grand Ronde/Siletz tribal project known as Chemawa Station, which involves developing a restaurant, travel center, possibly a hotel, and retail outlets.

I reported previously in *Siletz News* on the difficulty the tribes have encountered in obtaining the financing needed for developing the property. We need congressional help to obtain the financing because of the reversionary clause in the deed.

A Chemawa Station land bill addressing this issue was reviewed by the

House legislative counsel at the request of Congressman Darlene Hooley on March 27. The House legislative counsel's draft bill was based on a draft prepared by Grand Ronde and Siletz tribal attorneys.

In order to ensure that the property can be encumbered and eligible for bank loans, both the House and Senate legislative counsel drafts must undergo legal and financial review.

There are, therefore, specific steps that must yet be taken before we can see final congressional action on this bill.

#### Comments on Draft Probate-Related Trust Regulations

On Dec. 27, 2005, draft probate-related trust regulations were distributed by Associate Deputy Secretary Jim Carson for tribal review and comment. The voluminous document caught tribes off-guard.

The National Congress of American Indians (NCAI), reflecting the views of its member tribes, said it was disappointed tribes were not consulted when the draft regulations were put together.

NCAI also stated, however, that since it was understood the regs were still very much "a work in progress," NCAI was counting on the department's genuine desire to involve the tribes in the preparation of final regs.

Trust reform and the Cobell case have been explosive and emotionally charged issues. NCAI said it was good that the department has set Cobell apart and was giving probate-related trust regulations special tribal attention and review.

Fractionation of land ownership, the result of 100 years of neglect, also is a basic trust problem. The American Indian Probate Reform Act (AIPRA), which was adopted as a result of col-

laborative efforts of tribes and the DOI and which takes effect June 20, 2006, will help address the problem of fractionation when the act finally begins to be implemented.

More controversy related to the Cobell litigation likely will be generated when regulations are addressed, i.e., trust fund accounting and appeal, fees for trust accounts, etc. NCAI's proposal is to work with the department on leasing and grazing and other trust-related regulatory issues.

Because of our own Siletz history, we understand and concur with NCAI's position for the acquisition of land into trust. According to NCAI, the adoption and implementation of these regulations are central to tribal efforts to recover from more than a century of reservation loss and consequent negative impacts on tribal self-determination. NCAI has established a work-group to develop comments on the land-to-trust issue.

As for the body of the department's draft regs, NCAI has put together a comprehensive item-by-item response on five specific categories: 1) Probate of Indian Estates; 2) Tribal Probate Codes; 3) Life Estate and Future Interests; 4) Land Records and Title Documents; 5) Conveyances of Trust and Restricted Land, Removal of Trust or Restricted Status.

The Siletz Tribal Council concurs with NCAI's detailed comments.

DOI plans to spend the month reviewing comments and preparing the AIPRA-related regs for publication in the Federal Register. This will be followed by a 60-day period for comments, including DOI consultation sessions in Billings, Rapid City, and Minneapolis. No firm dates have been set for these sessions.

## Open Your Home – and Your Heart – to a Child in Need\*

Every child deserves to grow up in a safe, nurturing environment.

A number of foster care programs and organizations nationwide are dedicated to ensuring that foster children get the care and support they need. These organizations can't do it alone – they need the assistance of people like you.

The need for foster parents currently ranks among the most pressing problems in the child welfare system. Nearly every community in the nation has a shortage of foster families. This is true for the Confederated Tribes of Siletz Indians, both locally and throughout the 11-county service area.

Many people believe that only married couples can become foster parents. In fact, foster parents can be single, married, or divorced. They can be homeowners or live in an apartment. They can be as young as 21 – or they can be retired.

Families who care for foster children receive payments that are intended to cover ordinary living expenses for the child, including food, shelter, and daily supervision.

Each state has its own rules and procedures for becoming a foster parent. For information on fostering a Siletz Tribal child, please contact the tribe's Indian Child Welfare department at:

Confederated Tribes of Siletz Indians  
Attn: Sandra Simmons, Foster Parent  
Certifier/Case Manager III  
Indian Child Welfare  
P.O. Box 549  
Siletz, OR 97380-0549  
1-800-922-1399, ext. 1275  
541-444-8275

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