

118TH CONGRESS
1ST SESSION

S. 1286

To amend the Siletz Reservation Act to address the hunting, fishing, trapping, and animal gathering activities of the Confederated Tribes of Siletz Indians, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2023

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

A BILL

To amend the Siletz Reservation Act to address the hunting, fishing, trapping, and animal gathering activities of the Confederated Tribes of Siletz Indians, 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. SILETZ RESERVATION ACT AMENDMENT.**

4 Section 4 of Public Law 96–340 (commonly known
5 as the “Siletz Reservation Act”) (94 Stat. 1074) is
6 amended to read as follows:

1 **“SEC. 4. HUNTING, FISHING, TRAPPING, AND ANIMAL GATH-**
2 **ERING.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) CONSENT DECREE.—The term ‘Consent
5 Decree’ means the final judgment and decree of the
6 United States District Court for the District of Or-
7 egon, in the action entitled ‘Confederated Tribes of
8 Siletz Indians of Oregon against State of Oregon’,
9 entered on May 2, 1980.

10 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’
11 has the meaning given the term in section 4 of the
12 Indian Self-Determination and Education Assistance
13 Act (25 U.S.C. 5304).

14 “(3) SILETZ AGREEMENT.—The term ‘Siletz
15 Agreement’ means the agreement entitled ‘Agree-
16 ment Among the State of Oregon, the United States
17 of America and the Confederated Tribes of the Siletz
18 Indians of Oregon to Permanently Define Tribal
19 Hunting, Fishing, Trapping, and Gathering Rights
20 of the Siletz Tribe and its Members’ and entered
21 into by the United States on April 22, 1980.

22 “(b) HUNTING, FISHING, TRAPPING, AND ANIMAL
23 GATHERING AGREEMENTS.—

24 “(1) IN GENERAL.—The Siletz Agreement shall
25 remain in effect until and unless replaced, amended,
26 or otherwise modified by 1 or more successor gov-

1 ernment-to-government agreements between the
2 Confederated Tribes of Siletz Indians and the State
3 of Oregon relating to the hunting, fishing, trapping,
4 and animal gathering rights of the Confederated
5 Tribes of Siletz Indians.

6 “(2) AMENDMENTS.—The Siletz Agreement or
7 any successor agreement entered into under para-
8 graph (1) may be amended from time to time by
9 mutual consent of the Confederated Tribes of Siletz
10 Indians and the State of Oregon.

11 “(3) CONTENTS OF NEW AGREEMENT OR
12 AMENDMENTS.—The Siletz Agreement or any suc-
13 cessor agreement entered into under paragraph (1)
14 shall not provide for exclusive or primary Siletz take
15 opportunity outside the exterior boundaries of the
16 1855 Executive Order Siletz Coast Reservation (as
17 described in section 7(f)(1)(A) of the Siletz Tribe
18 Indian Restoration Act (Public Law 95–195; 91
19 Stat. 1418; 130 Stat. 1364)) relative to any other
20 federally recognized Indian Tribe, and shall not pro-
21 vide for new or expanded take of fishery resources
22 in the Columbia River or in the Willamette River
23 from its mouth to the top of Willamette Falls.

24 “(c) JUDICIAL REVIEW.—In any action brought in
25 the United States District Court for the District of Or-

1 egon to rescind, overturn, modify, or provide relief under
2 Federal law from the Consent Decree, the United States
3 District Court for the District of Oregon shall review the
4 application of the parties on the merits without regard to
5 the defense of res judicata or collateral estoppel.

6 “(d) EFFECT.—Nothing in this section enlarges, con-
7 firms, adjudicates, affects, or modifies any treaty or other
8 right of an Indian Tribe.”

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