

## Calendar No. 591

117TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 117-233

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### A BILL TO AUTHORIZE LEASES OF UP TO 99 YEARS FOR LAND HELD IN TRUST FOR THE CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION

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DECEMBER 6, 2022.—Ordered to be printed

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Mr. SCHATZ, from the Committee on Indian Affairs,  
submitted the following

### R E P O R T

[To accompany S. 3773]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill (S. 3773), to authorize leases of up to 99 years for land held in trust for the Confederated Tribes of the Chehalis Reservation, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE

S. 3773 would amend the Long-Term Leasing Act of 1955 to allow the Confederated Tribes of the Chehalis Reservation to lease their restricted lands for up to 99 years.

#### BACKGROUND & NEED FOR LEGISLATION

In 1955, Congress passed the Long-Term Leasing Act<sup>1</sup> authorizing federally recognized Indian tribes to enter into surface leases of restricted lands with third parties, subject to Secretarial approval. Unless otherwise designated, leases entered into pursuant to this statute are limited to a term of 25 years, with the option to renew for one additional term of up to 25 years.

In an effort to improve supply chain infrastructure, the Confederated Tribes seek to develop new and existing facilities on Tribal trust land and to lease those facilities to outside entities. The

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<sup>1</sup>Pub. L. No. 255, 69 Stat. 539.

Tribes have multiple proposals to develop warehouses between Seattle and Portland to serve supply chain needs, but they cannot act on these proposals because the prospective lessees and their private financiers require 99-year lease terms due to current market demands.

Congress has granted 99 year leasing authority to 59 other Tribes through similar legislation.<sup>2</sup>

SUMMARY OF S. 3773

S. 3773 amends the Long-Term Leasing Act of 1955 by adding the Confederated Tribes of the Chehalis Reservation to the list of Tribes permitted to lease their restricted lands for a period of up to 99 years.

SECTION-BY-SECTION ANALYSIS OF S. 3773 AS ORDERED REPORTED

*Section 1—Confederated Tribes of the Chehalis Reservation Leasing Authority*

Subsection (a) amends the Long Term Leasing Act (25 U.S.C. 415(a)) by adding the Confederated Tribes of the Chehalis Reservation to the list of existing Tribes permitted to lease restricted lands for a term of 99 years.

LEGISLATIVE HISTORY

Senator Cantwell (D-WA) introduced S. 3773 on March 8, 2022. The Senate referred the bill to the Senate Committee on Indian Affairs the same day. On March 23, 2022, the Committee held a hearing to consider the bill. On May 18, 2022, the Committee held a business meeting and ordered the bill to be reported favorably.

COST AND BUDGETARY CONSIDERATIONS

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 31, 2022.*

Hon. BRIAN SCHATZ,  
*Chairman, Committee on Indian Affairs,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 3773, a bill to authorize leases of up to 99 years for land held in trust for the Confederated Tribes of the Chehalis Reservation.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Julia Aman.

Sincerely,

PHILLIP L. SWAGEL,  
*Director.*

Enclosure.

<sup>2</sup>The most recent addition was the Crow Tribe of Montana. (Pub. L. No. 115-325, Sec. 206, 132 Stat. 4445).

<b>S. 3773, a bill to authorize leases of up to 99 years for land held in trust for the Confederated Tribes of the Chehalis Reservation</b>			
<b>As ordered reported by the Senate Committee on Indian Affairs on May 18, 2022</b>			
<b>By Fiscal Year, Millions of Dollars</b>	<b>2023</b>	<b>2023-2027</b>	<b>2023-2032</b>
<b>Direct Spending (Outlays)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Revenues</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Increase or Decrease (-) in the Deficit</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Spending Subject to Appropriation (Outlays)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Statutory pay-as-you-go procedures apply?</b>	<b>No</b>	<b>Mandate Effects</b>	
<b>Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?</b>	<b>No</b>	<b>Contains intergovernmental mandate?</b>	<b>No</b>
		<b>Contains private-sector mandate?</b>	<b>No</b>

S. 3773 would authorize the Confederated Tribes of the Chehalis Reservation, located in western Washington State, to lease their land held in trust for a term of up to 99 years. Under current law, the tribes cannot lease their trust land for more than 25 years, with an option to renew the lease once for another 25 years. Because any additional proceeds from such leases would accrue to the tribes, CBO estimates that implementing S. 3773 would have no effect on the federal budget.

The CBO staff contact for this estimate is Julia Aman. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

#### REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 3773 will have minimal impact on regulatory or paperwork requirements.

#### EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 3773.

#### CHANGES IN EXISTING LAW

On February 11, 2021 the Committee unanimously approved a motion to waive subsection 12 of rule XXVI of the Standing Rules of the Senate. In the opinion of the Committee, it is necessary to dispense with subsection 12 of rule XXVI of the Standing Rules of the Senate to expedite the business of the Senate.