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1st Session }

SENATE

{ REPORT
118-130

PUYALLUP TRIBE OF INDIANS LAND INTO TRUST CONFIRMATION ACT OF 2023

DECEMBER 12, 2023.—Ordered to be printed

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

R E P O R T

[To accompany S. 382]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill (S. 382), to take certain land in the State of Washington into trust for the benefit of the Puyallup Tribe of the Puyallup Reservation, and for other purposes, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of S. 382 is to transfer into trust three separate parcels of land, totaling approximately 17.264 acres, currently owned in fee simple by the Puyallup Tribe of the Puyallup Reservation.

BACKGROUND

The Puyallup Tribe of the Puyallup Reservation (Tribe) is a federally recognized Indian Tribe with a 28 square mile reservation that encompasses parts of the towns of Tacoma and Fife, Washington. Under the 1854 Treaty of Medicine Creek with the United States,¹ the Tribe reserved approximately 20,000 acres of land for its reservation, which was formally established by two subsequent Executive Orders.² Over a course of 50 years, however, the Tribe's reservation was reduced through Acts of Congress, sales of reserva-

¹ 10 Stat. 1132 (1854).

² Exec. Order Jan. 20, 1857; Exec. Order Sept. 6, 1873.

tion land, and theft.³ By 1989, the Tribe's reservation was reduced to only a few acres of trust land.

Through the *Puyallup Settlement Act of 1989*,⁴ approximately 1,000 acres of the Tribe's original reservation was restored. Currently, 1,252.7 acres of land are held in trust for the Tribe, and an additional 1,383.8 acres of land are owned by the Tribe in fee simple.

NEED FOR LEGISLATION

The transfer of these 17.264 acres of land from fee to trust will enable the Tribe to continue its land restoration activities and support further economic development and growth.

SUMMARY OF THE BILL

S. 382 takes into trust approximately 17.264 acres of land currently owned by the Tribe in fee simple, prohibits the lands from being used for classes II and III gaming purposes, clarifies the jurisdiction over the lands, and relieves the United States of liability for any environmental contamination occurring on the lands.

LEGISLATIVE HISTORY

On February 9, 2023, Senators Cantwell (D-WA) and Murray (D-WA) introduced S. 382, the *Puyallup Tribe of Indians Land Into Trust Confirmation Act of 2023*. On the same day, the Senate referred the bill to the Committee on Indian Affairs (Committee). On May 3, 2023, the Committee held a legislative hearing to receive testimony on S. 382. On July 19, 2023, the Committee held a duly convened business meeting and ordered S. 382 reported favorably, without amendment, by voice vote.

On February 9, 2023, Representatives Kilmer (D-WA) and Strickland (D-WA) introduced H.R. 929, an identical companion bill to S. 382. On the same day, the House of Representatives referred the bill to the Committee on Natural Resources. On February 21, 2023, H.R. 929 was further referred to the Subcommittee on Indian and Insular Affairs of the Committee on Natural Resources (Subcommittee). On July 12, 2023, the Subcommittee held a hearing to receive testimony on H.R. 929. On September 20, 2023, the Subcommittee discharged the bill and the Committee on Natural Resources held a mark-up session. On the same day, the Committee on Natural Resources ordered the bill to be reported by unanimous consent. To date, the House has taken no further action on H.R. 929.

117th Congress. On September 22, 2022, Senators Cantwell (D-WA) and Murray (D-WA) introduced S. 4933, the *Puyallup Tribe of Indians Land Into Trust Confirmation Act of 2022*. On the same day, the Senate referred the bill to the Committee. The Senate took no further action on S. 4933 in the 117th Congress.

On September 22, 2022, Representatives Kilmer (D-WA) and Strickland (D-WA) introduced H.R. 8967, an identical companion bill to S. 4933. On the same day, the House of Representatives referred the bill to the Committee on Natural Resources. The House took no further action on H.R. 8967 in the 117th Congress.

³See, H.R. Rep. No. 101-57, at 3 (1989).

⁴P.L. No. 101-41 (1989).

SECTION-BY-SECTION ANALYSIS OF S. 382 AS ORDERED REPORTED

Section 1—Short title

This section sets forth the short title as the “Puyallup Tribe of Indians Land Into Trust Confirmation Act of 2023.”

Section 2—Land to be taken into trust for the benefit of the Puyallup Tribe of the Puyallup Reservation

Section 2(a) takes into trust approximately 17.264 acres of land owned in fee simple by the Puyallup Tribe of the Puyallup Reservation.

Section 2(b) provides descriptions of the three parcels of land to be taken into trust.

Section 2(c) clarifies that the lands to be taken into trust shall be part of the Tribe’s reservation and shall be administered according to the laws and regulations applicable to Indian trust lands.

Section 2(d) relieves the United States of any liability for any environmental contamination occurring on or before the date on which the lands are taken into trust under this Act.

Section 2(e) prohibits the lands taken into trust under this Act from being used for class II or class III gaming under the *Indian Gaming Regulatory Act* (25 U.S.C. 2703).

COST AND BUDGETARY CONSIDERATIONS

S. 382, Puyallup Tribe of Indians Land Into Trust Confirmation Act of 2023 As ordered reported by the Senate Committee on Indian Affairs on July 19, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 382 would direct the Department of the Interior (DOI) to take into trust approximately 17 acres of land in Pierce County, Washington, owned by the Puyallup Tribe. Under the bill, DOI would hold title to that land for the benefit of the tribe, and the United States would not be liable for any environmental contamination that occurred on or before the date the land would be taken into trust. The legislation also would prohibit certain types of gaming on those lands. Using information from DOI, CBO estimates that the administrative costs to implement S. 382 would not be signifi-

cant; any spending would be subject to the availability of appropriated funds.

S. 382 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). The bill would prohibit state and local governments from taxing land taken into trust for the Puyallup Tribe. Information from Pierce County about taxes and other receipts associated with the land indicates that those foregone revenues would total less than \$100,000 annually, well below the annual intergovernmental threshold established in UMRA (\$99 million in 2023, adjusted annually for inflation).

The bill contains no private-sector mandates.

On October 20, 2023, CBO transmitted a cost estimate for H.R. 929, the Puyallup Tribe of Indians Land Into Trust Confirmation Act of 2023, as ordered reported by the House Committee on Natural Resources on September 20, 2023. The two bills are similar, and CBO's estimates of their budgetary effects are the same.

The CBO staff contacts for this estimate are Julia Aman (for federal costs) and Rachel Austin (for mandates). The estimate was reviewed by Emily Stern, Senior Adviser for Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

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. 382 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 382.

CHANGES IN EXISTING LAW

On February 9, 2023, 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.