

**STATEMENT FOR
THE OFFICE OF THE
ASSISTANT SECRETARY - INDIAN AFFAIRS
DEPARTMENT OF THE INTERIOR
BEFORE THE HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON INDIAN AND INSULAR AFFAIRS**

July 12, 2023

Good morning, Chair Hageman, Ranking Member Leger Fernández and members of the Subcommittee. Thank you for the opportunity to present testimony regarding H.R. 929, the Puyallup Tribe of Indians Land into Trust Confirmation Act of 2023, H.R. 3579, the Tribal Trust Land Homeownership Act of 2023, and H.R.2882, the Udall Foundation Reauthorization Act of 2023.

H.R. 929, Puyallup Tribe of Indians Land into Trust Confirmation Act of 2023

H.R. 929 directs the transfer of approximately 17.264 acres of Puyallup Tribe fee lands in Pierce County, Washington to be taken into trust for the Tribe’s benefit. The lands will be part of the Puyallup Reservation and will not be eligible for class II or III gaming under the Indian Gaming Regulatory Act. Importantly, H.R. 929 stipulates that the federal government is not liable for any environmental contamination that occurred on the lands prior to the date that land is taken into trust.

Environmental assessments conducted by the Puyallup Tribe identified potential soil and ground water contamination from petroleum products, fuels, and wood preservatives that may have been used at the historical mill on the lands. The environmental assessment also identified undocumented fill and potentially “refuse fill”, and potential arsenic and metals contamination in the soil possibly associated with the Tacoma Smelter Plume. An additional environmental assessment by the Puyallup Tribe identified gasoline and diesel-range hydrocarbons, various metals, and polycyclic aromatic hydrocarbon contamination in the fill materials, as well as diesel-range hydrocarbons and naphthalene in the groundwater on the lands.

The Department has previously advised the Puyallup Tribe that congressional action to transfer the Pierce County Tribal fee lands into trust is a better option than the Department’s fee-to-trust land acquisition process due to legacy pollution identified in the environmental assessments. The anticipated remediation plan on the lands would be cost-prohibitive for the Puyallup Tribe.

H.R. 929 would prevent a long and costly remediation process and ensure that the lands are restored to the Puyallup Tribe as they continue to rebuild and develop their homelands. The Department supports H.R. 929.

H.R. 3579, Tribal Trust Land Homeownership Act of 2023

H.R. 3579 would impose a series of statutory requirements on the Bureau of Indian Affairs (Bureau) related to the processing and review of mortgage packages. This legislation would codify current processing deadlines for mortgages; require an annual report to be submitted to Congress regarding the mortgages reviewed by the Bureau; establish a Realty Ombudsman position reporting directly to the Secretary; and provide access to the Bureau's Trust Asset and Accounting Management System (TAAMS) for relevant agencies and Tribes.

We appreciate Congress' shared interest in ensuring that mortgage packages are reviewed and processed in a timely manner. Notably, the mortgage application review and processing deadlines in this legislation are reflected in the Bureau's existing handbooks and policy.

One specific concern the Department has with H.R. 3579 is that it would mandate read-only access to TAAMS for the Department of Agriculture, Department of Housing and Urban Development, and Department of Veterans Affairs, as well as Tribes. The Bureau currently provides limited TAAMS access to Tribes and relevant agencies after the clearance of a background check. Access to TAAMS should be contingent on IT security training and limited to avoid Privacy Act issues.

The Department supports the intent of H.R. 3579 and looks forward to working with the Committee to provide technical assistance.

H.R.2882, Udall Foundation Reauthorization Act of 2023

H.R. 2882 would extend the authorization for the Morris K. Udall and Stewart L. Udall Foundation (Udall Foundation) to 2028. The Udall Foundation is an independent executive branch agency created by Congress to carry on the legacy of Morris and Stewart Udall's work on the environment, public lands, and policies in support of the rights and self-governance of Native Americans. The Department supports the Udall Foundation and its mission. Since the Udall Foundation's inception, the Department has had the privilege of hosting Udall Foundation Interns and employs multiple Udall Foundation alumni. In addition, by operation of law the Secretary of the Interior or their designee is a member of the Udall Foundation Board of Trustees.

The Department supports H.R. 2882.

Conclusion

Chair Hageman, Ranking Member Leger Fernández, and Members of the Subcommittee, thank you for the opportunity to provide the Department's views on these important bills. I look forward to answering any questions that you may have.