

MAY 31, 1918 ACT REPEAL ACT

DECEMBER 1, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 5050]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5050) to repeal the Act of May 31, 1918, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 5050 is to repeal the Act of May 31, 1918.

BACKGROUND AND NEED FOR LEGISLATION

The Fort Hall Indian Reservation, located in southeast Idaho near Pocatello and Blackfoot, was originally established in 1867 by Executive Order for the benefit of various Bands of the Shoshone and Bannock Indians (Tribes). Over time the Tribes ceded portions of the reservation which were eventually allotted to individual Indians. Today, the reservation encompasses 544,000 acres of land, 97 percent of which is held by the United States in trust for the Tribes or individual Indians. There are more than 6,000 people residing on the reservation.

In 1918, Congress passed the May 31, 1918 Act (40 Stat. 592, chapter 88). Under this Act, the Secretary of the Interior was authorized to set aside and reserve approximately 120 acres for town-site purposes and such land as may be necessary for public interest. Approximately 10 acres of land was also to be patented for a school, park, and other public purposes. These 120 acres had been held in trust for the Tribes prior to enactment of the 1918 Act.

The town-site envisioned under the 1918 Act never came to fruition, and the land is now owned by Bingham County. The Tribes ultimately seek restoration of the lands into tribal ownership because the lands are centrally located on the Reservation. The lands are only a few blocks away from the tribal business center, the health clinic, and other tribal facilities.

In 2009, the Tribes entered into a Memorandum of Agreement with Bingham County for exclusive use of the land by the Tribes. Under the agreement, the County defers all property issues to the Tribes, the Tribes provide all government services on the land, and the County does not assess taxes on persons residing on the land.

H.R. 5050 is needed to restore tribal lands that were originally held in trust for the benefit of the Tribes. H.R. 5050 repeals the Act of May 31, 1918, and provides the Tribes with a right of first refusal to purchase at fair market value land in the Fort Hall town-site that is offered for sale. Any land currently held in fee by the Tribes or by a tribal member in the town-site and land purchased under the terms of the bill will be held in trust by the United States for the benefit of the Indians.

The Tribes and the Bureau of Indian Affairs estimate that approximately 111 acres would be placed back into trust if H.R. 5050 is enacted. This is due to some non-Indians residing on fee property within the town-site. Nothing in this bill affects any valid right to any land set aside or set apart under the 1918 Act.

At the July 29, 2014 hearing on the bill, the Administration testified in support of H.R. 5050.

COMMITTEE ACTION

H.R. 5050 was introduced on July 9, 2014, by Congressman Michael Simpson (R-ID). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian and Alaska Native Affairs. On July 29, 2014, the Subcommittee held a hearing on the bill. On September 18, 2014, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Indian and Alaska Native Affairs was discharged by unanimous consent. No amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of Rule X and clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause

3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 5050—May 31, 1918, Act Repeal Act

H.R. 5050 would repeal the authority for the Department of the Interior (DOI) to reserve land for a town site within the Fort Hall Indian Reservation in Idaho for the benefit of the Shoshone-Bannock Tribes. The bill would give the tribes the right of first refusal to purchase the land that is currently reserved and would authorize DOI to take approximately 111 acres of land into trust for the benefit of the tribes.

CBO estimates that implementing H.R. 5050 would have no significant effect on the federal budget. None of this land is federally owned and the cost to hold it in trust for the tribes would be minimal. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 5050 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On September 23, 2014, CBO transmitted a cost estimate for S. 2041, the May 31, 1918, Act Repeal Act, as ordered reported by the Senate Committee on Indian Affairs on June 11, 2014. The two pieces of legislation are similar, and the CBO cost estimates are the same.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that implementing H.R. 5050 would have no significant effect on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to repeal the Act of May 31, 1918.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be du-

plicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and existing law in which no change is proposed is shown in roman):

ACT OF MAY 31, 1918 (CHAPTER 88)

AN ACT To authorize the establishment of a town site on the Fort Hall Indian Reservation, Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That the Secretary of the Interior be, and he is hereby, authorized to set aside and reserve for town-site purposes a tract of land within the Fort Wall Indian Reservation, Idaho, as in his opinion may be required for the future public interests, and he may cause the same to be surveyed into suitable lots and blocks and to dedicate the streets and alleys thereof to public uses; and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than ten acres in such town site; and patents shall issue for the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes on condition that Indian children shall be permitted to attend the public schools of such town under the same conditions as white children.]

[SEC. 2. That the Secretary of the Interior is further authorized to cause the lots within such town site as may be established hereunder to be appraised and disposed of under such rules and regulations as he may prescribe and any and all expenses in connection with the survey, appraisal, and sale of such town site shall be reimbursed from the sales of town lots, and the net proceeds derived therefrom shall be placed in the Treasury of the United States to the credit of the Indians of the Fort Hall Reservation and shall be subject to appropriation by Congress for their benefit: *Provided, however,* That any lands disposed of hereunder shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country until otherwise provided by Congress.]