

## Calendar No. 539

113TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 113-271

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### TO REPEAL THE ACT OF MAY 31, 1918

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NOVEMBER 13, 2014.—Ordered to be printed

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

### R E P O R T

[To accompany S. 2041]

The Committee on Indian Affairs, to which was referred the bill (S. 2041) to repeal the Act of May 31, 1918, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

#### PURPOSE

This legislation, S. 2041 would repeal the Act of May 31, 1918 (1918 Act), which reserved a tract of land within the Fort Hall Reservation in Idaho for townsite purposes, and provide the Shoshone-Bannock Tribes of the Fort Hall Reservation the right of first refusal for any future sales of land within the townsite.

#### BACKGROUND

The Fort Hall Reservation in southeastern Idaho was established for the Shoshone-Bannock Tribes by Executive Order in 1867 and was affirmed the following year by the Fort Bridger Treaty. Originally, the Reservation consisted of 1.8 million acres, but due to subsequent legislative acts (including the Dawes Act), the reservation is now 544,000 acres. The Tribes have been successful in the reacquisition of land within the Reservation's boundaries; currently, 97% of the Reservation is owned by the Tribes or held in trust for the Tribes or individual tribal members.

The May 31, 1918 Act (40 Stat. 592) authorizes the Secretary of the Interior to reserve for a townsite a tract of land within the Fort Hall Reservation. The 1918 Act further allows for patents to be issued for school, park, and other public purposes for the municipality in charge of caring for and maintaining the land as long as

Indian children are permitted to attend the public schools established in that town. The 1918 Act further authorizes the Secretary to cause lots within the designated townsite to be appraised and disposed of, with the proceeds to be deposited into the Treasury for the benefit of the Fort Hall Indians.

By repealing the 1918 Act, former tribal land within the Reservation's boundaries would once again be available to the Shoshone-Bannock Tribes and the Secretary would be prevented from setting aside additional land within the designated townsite area. In order to promote tribal restoration of homelands, this legislation would also provide the Tribes with a right of first refusal to purchase any tracts of land within the existing townsite offered for sale. This preserves current landowners' rights, as it does not interfere with their use or ownership of the land in any way.

#### NEED FOR LEGISLATION

Legislation is required to repeal a past act of Congress and to provide the Shoshone-Bannock Tribes with a right of first refusal for any land sales within the townsite.

#### LEGISLATIVE HISTORY

The bill was introduced by Senator Mike Crapo (R-ID) on February 25, 2014, with Senator Risch as an original cosponsor. The bill was referred to the Committee on Indian Affairs. On May 7, 2014, the Committee held a hearing on the bill. On June 11, 2014, the Committee met at a business meeting to consider the bill. Senator Crapo offered one amendment and the amendment was adopted. The bill, as amended, was then ordered to be reported favorably to the Senate by voice vote.

On July 9, 2014, Representative Michael Simpson (R-ID) introduced a companion bill in the House of Representatives, H.R. 5050. The legislation is identical to S. 2041, as reported out by the Committee. The bill was referred to the House Committee on Natural Resources Subcommittee on Indian and Alaska Native Affairs. On July 29, 2014, the Subcommittee held a hearing on the bill. On September 18, 2014, the Subcommittee discharged the bill, and the bill was considered at a business meeting by the full Committee, where it was ordered to be reported favorably to the House by unanimous consent.

#### SUMMARY OF THE AMENDMENT

Senator Crapo filed an amendment in the nature of a substitute at the June 11, 2014, business meeting. The amendment clarified that the land to be held in trust pursuant to S. 2041 is limited to those lands located within the Fort Hall townsite that are owned or acquired by the Tribes or individual tribal members.

#### SECTION-BY-SECTION ANALYSIS OF BILL AS ORDERED REPORTED

##### *Section 1. Short title*

The Act may be cited as the "May 31, 1918 Act Repeal Act."

##### *Section 2. Definitions*

This section provides the definitions for terms within the Act.

*Section 3. Repeal*

Makes effective the repeal of the May 31, 1918 Act.

*Section 4. Right of first refusal*

Determines that the Tribes shall have the exclusive right of first refusal to purchase at fair market value any land set aside or apart under the 1918 Act and offered for sale. This section further provides that the United States shall hold in trust any land located within the Fort Hall townsite that is owned or acquired by the Tribes or a member of the Tribes before or after the enactment of this Act.

*Section 5. Effect*

Clarifies that nothing within this Act affects any valid right to land that had been set aside or set apart under the 1918 Act.

## COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office on September 23, 2014, was prepared for S. 2041.

SEPTEMBER 23, 2014.

Hon. JON TESTER,  
*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. 2041, the May 31, 1918, Act Repeal Act.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

Summary: S. 2041 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.

Estimated cost to the Federal Government: CBO estimates that implementing S. 2041 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.

Pay-As-You-Go considerations: None.

Estimated impact on state, local, and tribal governments: None.

Estimated impact on the private sector: This bill, S. 2041, contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

Estimate prepared by: Martin von Gnechten.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that 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. 2041 will have a minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 2041.

CHANGES IN EXISTING LAW

If enacted, this bill would repeal 40 Stat. 592.

