

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 4924, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MAY 31, 1918 ACT REPEAL ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5050) to repeal the Act of May 31, 1918, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “May 31, 1918 Act Repeal Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) 1918 ACT.—The term “1918 Act” means the Act of May 31, 1918 (40 Stat. 592, chapter 88).

(2) FORT HALL TOWNSITE.—The term “Fort Hall Townsite” means the land that was taken out of trust by being set aside or set apart under the 1918 Act on the Fort Hall Reservation, consisting of approximately 120 acres in the East Half of the Northeast Quarter in Section 35 and the West Half of the West Half of the Northwest Quarter in Section 36, Township 4 South, Range 34 East, Boise Meridian, Idaho, based upon a survey completed on May 19, 1921, and depicted on the document entitled “Plat of the Townsite of Fort Hall” on file with Bingham County, Idaho and the Tribes.

(3) TRIBES.—The term “Tribes” means the Shoshone-Bannock Tribes of the Fort Hall Reservation.

SEC. 3. REPEAL.

The 1918 Act is repealed.

SEC. 4. RIGHT OF FIRST REFUSAL.

(a) IN GENERAL.—The Tribes shall have the exclusive right of first refusal to purchase at fair market value any land—

- (1) within the Fort Hall Townsite; and
- (2) offered for sale.

(b) ACQUIRED LAND HELD IN TRUST.—The United States shall hold in trust for the benefit of the Tribes or a member of the Tribes, as applicable—

(1) any land owned or acquired by the Tribes or a member of the Tribes within the Fort Hall Townsite before the date of enactment of this Act; and

(2) any land owned or acquired by the Tribes or a member of the Tribes within the Fort Hall Townsite on or after the date of enactment of this Act.

SEC. 5. EFFECT.

Nothing in this Act affects any valid right to any land set aside or set apart under the 1918 Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from California (Mr. LOWENTHAL) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, first, I would like to thank the gentleman from Idaho (Mr. SIMPSON), my colleague, for his hard work and leadership on H.R. 5050. He will be speaking on the bill later, so I will just provide a brief summary.

Under the Act of May 31, 1918, the Secretary of the Interior was authorized to set aside land for town-site purposes within the Fort Hall Indian Reservation in the State of Idaho. The town-site envisioned under the 1918 Act never came to fruition, and the land is now owned by a county. The tribe seeks restoration of the land into tribal ownership because the parcel is centrally located on the reservation and can't be used for economic development. This bill removes this unused reservation so that the land may be fully utilized by the tribe.

Again, Mr. Speaker, I want to thank my colleague, Mr. SIMPSON, for his work on behalf of the Fort Hall Indian Reservation, and I reserve the balance of my time.

Mr. LOWENTHAL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5050 would repeal the Act of May 31, 1918, and give the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation the exclusive right of first refusal to purchase, at fair market value, any land within the Fort Hall town-site which is offered for sale.

By repealing the 1918 Act, more land within the reservation's boundaries would be available to the Shoshone-Bannock Tribes and the Secretary would be prevented from possibly selling land within the designated town-site area. This bill would not affect current landowners and provides the Shoshone-Bannock Tribes only with the right of first refusal for any future transactions involving the lands.

Mr. Speaker, I support adoption of H.R. 5050 and urge my colleagues to support this legislation. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Idaho (Mr. SIMPSON), the author of this legislation.

Mr. SIMPSON. Mr. Speaker, I thank Chairman HASTINGS for bringing this bill and the subsequent bill that will follow to the floor and see rapid action. I thank the gentleman for his support of this.

Let me also say that this is the last year that Chairman HASTINGS will be in Congress. He has chosen to retire at the end of this year, and it has been a pleasure to work with him on both resource issues and on energy and water issues that I am involved with. We are going to miss him and his 20 years of service representing Washington and all the people in this country. So I appreciate the work that you have done, and we will miss you.

Mr. Speaker, I rise today in support of H.R. 5050, the May 31, 1918 Act Repeal Act. This is a simple but significant piece of legislation addressing issues that impact the Shoshone-Bannock Tribes in Idaho.

As its name suggests, H.R. 5050 would repeal the 1918 Act that gives the Federal Government authority to unilaterally take Shoshone-Bannock tribal land out of trust and transfer it to a local government for use as a township. This act is antiquated, and any purpose it may have served toward its stated goal of providing trading opportunities for the tribes has long since expired. Today, thanks to an MOU dating back to 2009, the local county government has granted jurisdiction over the remaining town-site to the tribes for law enforcement, emergency services, roads, and infrastructure.

It is time to wipe this 1918 law off the books. From a practical standpoint, the tribes are already managing the land in question, for which the county has no interest in being responsible.

From a more general point of view, allowing the Federal Government the authority to unilaterally take tribal land out of trust violates the spirit of the relationship the government should have with the tribes. Repealing this act is the right and sensible thing to do.

Mr. Speaker, as I conclude today, I would like to take note that H.R. 5050 has been introduced by my colleagues in the Senate and was unanimously passed out of the committee, and I am hopeful that the Senate would take action on this quickly so that this bill and the subsequent bill can be signed into law and the tribes can move on these issues.

Mr. LOWENTHAL. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, this is a good piece of legislation. I urge its adoption, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 5050.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

BLACKFOOT RIVER LAND EXCHANGE ACT OF 2014

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2040) to exchange trust and fee land to resolve land disputes created by the realignment of the Blackfoot River along the boundary of the Fort Hall Indian Reservation, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Blackfoot River Land Exchange Act of 2014”.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Shoshone-Bannock Tribes, a federally recognized Indian tribe with tribal headquarters at Fort Hall, Idaho—

(A) adopted a tribal constitution and bylaws on March 31, 1936, that were approved by the Secretary of the Interior on April 30, 1936, pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the “Indian Reorganization Act”);

(B) has entered into various treaties with the United States, including the Second Treaty of Fort Bridger, executed on July 3, 1868; and

(C) has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union;

(2)(A) in 1867, President Andrew Johnson designated by Executive order the Fort Hall Reservation for various bands of Shoshone and Bannock Indians;

(B) the Reservation is located near the cities of Blackfoot and Pocatello in southeastern Idaho; and

(C) article 4 of the Second Treaty of Fort Bridger secured the Reservation as a “permanent home” for the Shoshone-Bannock Tribes;

(3)(A) according to the Executive order referred to in paragraph (2)(A), the Blackfoot River, as the river existed in its natural state—

(i) is the northern boundary of the Reservation; and

(ii) flows in a westerly direction along that northern boundary; and

(B) within the Reservation, land use in the River watershed is dominated by—

(i) rangeland;

(ii) dry and irrigated farming; and

(iii) residential development;

(4)(A) in 1964, the Corps of Engineers completed a local flood protection project on the River—

(i) authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 170); and

(ii) sponsored by the Blackfoot River Flood Control District No. 7;

(B) the project consisted of building levees, replacing irrigation diversion structures, replacing bridges, and channel realignment; and

(C) the channel realignment portion of the project severed various parcels of land located contiguous to the River along the boundary of the Reservation, resulting in Indian land being located north of the Realigned River and non-Indian land being located south of the Realigned River;

(5) beginning in 1999, the Cadastral Survey Office of the Bureau of Land Management conducted surveys of—

(A) 25 parcels of Indian land; and

(B) 19 parcels of non-Indian land; and

(6) the enactment of this Act and separate agreements of the parties would represent a resolution of the disputes described in subsection (b)(1) among—

(A) the Tribes;

(B) the allottees; and

(C) the non-Indian landowners.

(b) PURPOSES.—The purposes of this Act are—

(1) to resolve the land ownership and land use disputes resulting from realignment of the River by the Corps of Engineers during calendar year 1964 pursuant to the project described in subsection (a)(4)(A); and

(2) to achieve a final and fair solution to resolve those disputes.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALLOTTEE.—The term “allottee” means an heir of an original allottee of the Reservation who owns an interest in a parcel of land that is—

(A) held in trust by the United States for the benefit of the allottee; and

(B) located north of the Realigned River within the exterior boundaries of the Reservation.

(2) BLACKFOOT RIVER FLOOD CONTROL DISTRICT NO. 7.—The term “Blackfoot River Flood Control District No. 7” means the governmental subdivision in the State of Idaho, located at 75 East Judicial, Blackfoot, Idaho, that—

(A) is responsible for maintenance and repair of the Realigned River; and

(B) represents the non-Indian landowners relating to the resolution of the disputes described in section 2(b)(1) in accordance with this Act.

(3) INDIAN LAND.—The term “Indian land” means any parcel of land that is—

(A) held in trust by the United States for the benefit of the Tribes or the allottees;

(B) located north of the Realigned River; and

(C) identified in exhibit A of the survey of the Bureau of Land Management entitled “Survey of the Blackfoot River of 2002 to 2005”, which is located at—

(i) the Fort Hall Indian Agency office of the Bureau of Indian Affairs; and

(ii) the Blackfoot River Flood Control District No. 7.

(4) NON-INDIAN LAND.—The term “non-Indian land” means any parcel of fee land that is—

(A) located south of the Realigned River; and

(B) identified in exhibit B, which is located at the areas described in clauses (i) and (ii) of paragraph (3)(C).

(5) NON-INDIAN LANDOWNER.—The term “non-Indian landowner” means any individual who holds fee title to non-Indian land and is represented by the Blackfoot River Flood Control District No. 7 for purposes of this Act.

(6) REALIGNED RIVER.—The term “Realigned River” means that portion of the River that was realigned by the Corps of Engineers during calendar year 1964 pursuant to the project described in section 2(a)(4)(A).

(7) RESERVATION.—The term “Reservation” means the Fort Hall Reservation established by Executive order during calendar year 1867 and confirmed by treaty during calendar year 1868.

(8) RIVER.—The term “River” means the Blackfoot River located in the State of Idaho.

(9) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(10) TRIBES.—The term “Tribes” means the Shoshone-Bannock Tribes.

SEC. 4. RELEASE OF CLAIMS TO CERTAIN INDIAN AND NON-INDIAN OWNED LANDS.

(a) RELEASE OF CLAIMS.—Effective on the date of enactment of this Act—

(1) all existing and future claims with respect to the Indian land and the non-Indian land and all right, title, and interest that the Tribes, allottees, non-Indian landowners, and the Blackfoot River Flood Control District No. 7 may have had to that land shall be extinguished;

(2) any interest of the Tribes, the allottees, or the United States, acting as trustee for the Tribes or allottees, in the Indian land shall be extinguished under section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act”) (25 U.S.C. 177); and

(3) to the extent any interest in non-Indian land transferred into trust pursuant to section 5 violates section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act”) (25 U.S.C. 177), that transfer shall be valid, subject to the condition that the transfer is consistent with all other applicable Federal laws (including regulations).

(b) DOCUMENTATION.—The Secretary may execute and file any appropriate documents (including a plat or map of the transferred Indian land) that are suitable for filing with the Bingham County clerk or other appropriate county official, as the Secretary determines necessary to carry out this Act.

SEC. 5. NON-INDIAN LAND TO BE PLACED INTO TRUST FOR TRIBES.

Effective on the date of enactment of this Act, the non-Indian land shall be considered to be held in trust by the United States for the benefit of the Tribes.

SEC. 6. TRUST LAND TO BE CONVERTED TO FEE LAND.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall transfer the Indian land to the Blackfoot River Flood Control District No. 7 for use or sale in accordance with subsection (b).

(b) USE OF LAND.—

(1) IN GENERAL.—The Blackfoot River Flood Control District No. 7 shall use any proceeds from the sale of land described in subsection (a) according to the following priorities:

(A) To compensate, at fair market value, each non-Indian landowner for the net loss of land to that non-Indian landowner resulting from the implementation of this Act.

(B) To compensate the Blackfoot River Flood Control District No. 7 for any administrative or other expenses relating to carrying out this Act.

(2) REMAINING LAND.—If any land remains to be conveyed or proceeds remain after the sale of the land, the Blackfoot River Flood Control District No. 7 may dispose of that remaining land or proceeds as the Blackfoot River Flood Control District No. 7 determines to be appropriate.

SEC. 7. EFFECT ON ORIGINAL RESERVATION BOUNDARY.

Nothing in this Act affects the original boundary of the Reservation, as established by Executive order during calendar year 1867 and confirmed by treaty during calendar year 1868.

SEC. 8. EFFECT ON TRIBAL WATER RIGHTS.

Nothing in this Act extinguishes or conveys any water right of the Tribes, as established in the agreement entitled “1990 Fort Hall Indian Water Rights Agreement” and ratified by section 4 of the Fort Hall Indian Water Rights Act of 1990 (Public Law 101-602; 104 Stat. 3060).

SEC. 9. EFFECT ON CERTAIN OBLIGATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in this Act affects the obligation of Blackfoot River Flood Control District No. 7 to maintain adequate rights-of-way for the operation and maintenance of the local flood protection projects