

**TESTIMONY OF
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UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
ON S. 2041,
THE MAY 31, 1918 ACT REPEAL ACT**

MAY 7, 2014

Chairman Tester, Vice-Chairman Barrasso, and Members of the Committee, my name is Kevin Washburn and I am the Assistant Secretary - Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to testify on S. 2041, the May 31, 1918 Act Repeal Act, a bill to repeal the Act of May 31, 1918. The Department does not have a position on S. 2041.

Background

In 1867, the Fort Hall Indian Reservation was created by Executive Order for various Bands of the Shoshone and Bannock Indians (Tribe). On May 31, 1918, Congress passed a bill to authorize the establishment of a town site on the Fort Hall Indian Reservation in Idaho. The Act of 1918 authorized the Secretary of the Interior to set aside and reserve for town-site purposes a tract of land within the Fort Hall Indian Reservation. The Act of 1918 also authorized the Secretary of the Interior to set apart and reserve for school, park, and other public purposes not more than ten acres in such town site on the condition that Indian children shall be permitted to attend the public schools of such town under the same conditions as white children.

The Act of 1918 further authorized the Secretary of the Interior to appraise and dispose of the lots within such town site and provided that any expenses in connection with the survey, appraisal, and should be reimbursed from the sales of town lots, and the net proceeds should be placed in the Treasury of the United States to the credit of the Tribe and would be subject to appropriation by Congress for the Tribe's benefit. Finally, the Act of 1918 provided that any lands disposed of under the Act of 1918 would be subject to all the laws of the United States and prohibited the introduction of intoxicants into the Indian country until otherwise provided by Congress.

The Bureau of Indian Affairs' Northwest Regional office is working with the Tribe to get an accurate determination of the number of acres that are included in the townsite area and to determine the actual ownership of the lots in the townsite. Currently the BIA's Northwest Regional office is in receipt of fee-to-trust applications from the Tribe and one fee-to-trust application from a member of the Tribe for lands located within the township.

The Department is aware that the Tribe acquired ownership of the Fort Hall Water and Sewer District in 2000 and the Tribe has extended and improved this system several times over the past 14 years. The Fort Hall Water and Sewer District was operated by a group of citizens that resided within the townsite, but were unable to continue to operate

this system financially. The waterlines, pump stations, and lifts, along with their main water structure are part of the structures that are owned by the Tribe. There are a few lots that were originally part of the school reserve and remain reserved for that purpose.

S. 2041

The primary features of S. 2041 are to:

- repeal the Act of May 31, 1918 (which authorized the Secretary of the Interior to set aside and reserve a tract of land within the Fort Hall Indian Reservation, Idaho, for town-site purposes),
- gives the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation the exclusive right of first refusal to purchase at fair market value any land set aside or apart under the Act of 1918 and such lands are offered for sale,
- directs the Secretary of the Interior to place lands in trust for the Tribe or a member of the Tribe where the lands subject to the Act of 1918, were (1) acquired before enactment of S. 2041, and (2) are acquired on or after the enactment of S. 2041 that is set aside or apart under the Act of 1918.

The Department supports the aims of S. 2041. The Department would like to work with the Tribe and the sponsors of the legislation to gain more background information on the status of the lands covered by the Act of May 31, 1918, and obtain current ownership information of the subject lands by the Tribe and members of the Tribe. For clarity, the Department prefers such legislation include the legal descriptions of the affected land. This insures that the Department understands the will of Congress and can execute the law effectively.

Thank you for the opportunity to testify on S. 2041. I am happy to answer any questions the Committee may have.