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REPORT TO THE COMMITTEE
ON INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE

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Information On Federally Owned
Submarginal Land Within Or Adjacent
To The Fort Hall Reservation In Idaho

B-147652
B-147655

Bureau of Indian Affairs
Department of the Interior

BY THE COMPTROLLER GENERAL
OF THE UNITED STATES

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NOV. 3. 1972



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-147652
B-147655

C1
R Dear Mr. Chairman:

12 In accordance with your request of July 31, 1972, this is our report containing information on federally owned submarginal land within or adjacent to the Fort Hall Reservation in Idaho. This report updates a section (pp. 75 to 82) of our 1962 report on review of proposed legislation for conveying to certain Indian tribes and groups submarginal land administered by the Bureau of Indian Affairs, Department of the Interior (B-147652, B-147655, Aug. 13, 1962).

We plan no further distribution of this report unless copies are specifically requested and then only after your agreement has been obtained or you have publicly announced the contents of the report.

Sincerely yours,

A handwritten signature in cursive script that reads "James B. Peck".

Comptroller General
of the United States

C1 The Honorable Henry M. Jackson
Chairman, Committee on Interior
and Insular Affairs
United States Senate

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ABBREVIATIONS

BIA	Bureau of Indian Affairs
GAO	General Accounting Office

COMPTROLLER GENERAL'S REPORT
TO THE COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE

INFORMATION ON FEDERALLY OWNED
SUBMARGINAL LAND WITHIN
OR ADJACENT TO THE
FORT HALL RESERVATION IN IDAHO
Bureau of Indian Affairs
Department of the Interior
B-147652, B-147655

D I G E S T

WHY THE REVIEW WAS MADE

The Chairman of the Senate Committee on Interior and Insular Affairs requested the General Accounting Office (GAO) to

--update the factual data in the 1962 GAO report on its review of proposed legislation for conveyance of submarginal land administered by the Bureau of Indian Affairs (BIA) to certain Indian tribes and groups and

--comment on how conveyance of the submarginal land can contribute to the social and economic advancement of the Indian tribes involved.

FINDINGS AND CONCLUSIONS

There are 8,711 acres of federally owned submarginal land within or adjacent to the Fort Hall Reservation in Idaho. The reservation is inhabited by the Shoshone-Bannock Tribes. (See p. 3.)

The Government acquired the submarginal land during the 1930s for \$133,213. In January 1971 BIA estimated that the value of the land, on the basis of its highest and best use, was about \$436,000. (See p. 6.)

Improvements on the submarginal land

consist of fencing valued at about \$21,000 and a corral valued at \$1,000. An additional \$17,915 was spent for range reseeding, preparing land for irrigation, and developing a spring. (See p. 7.)

The tribes have free use of all 8,711 acres of submarginal land under a revocable permit which BIA issued in April 1965. The permit prohibits the growing of price-supported crops on the land and reserves all timber, water, and mineral rights to the Government. (See p. 7.)

The tribes subpermit most of the submarginal land for grazing. During the 5-year period 1967 through 1971, the tribes received \$13,775 under the subpermits. (See p. 8.)

Water rights are a primary concern of the tribes because of an increasing demand for water. In 1962 GAO reported that it appeared that the tribes' rights to water on the submarginal land were protected regardless of ownership. Members of the tribal business council told GAO that ownership of the land would help the tribes to enforce their water rights. (See pp. 9 and 10.)

In December 1971 the Government entered into a phosphate-mining lease, on 440 acres of submarginal land, with two firms which have been

mining phosphate on tribal land for many years. Mining royalties from this lease are to be deposited in the Treasury until the Congress decides on their disposition. In March 1972 an official of one of the firms told GAO that estimated royalties of \$292,000 might accrue from mining the phosphate deposit on this 440-acre tract of land. (See pp. 10 and 11.)

Both the Government and Power County, Idaho, claim title to 160 acres of the submarginal land. The Power County deputy assessor told GAO that the county's claim of title under a tax lien for unpaid taxes in 1937 might not be valid because the Federal Government owned the land in 1937. (See p. 11.)

House bill 3972, introduced February 9, 1971, provides that the Government's right, title, and interest in 8,711 acres of submarginal land be held in trust for the tribes. (See p. 11.)

Many local property owners and residents were opposed to the proposed conveyance and had petitioned their Congressman to either withdraw House bill 3972 from consideration or amend the bill to place the submarginal land adjacent to the reservation under the jurisdiction of the Bureau of Land Management. The petitioners stated that they believed that, if the land were conveyed to the tribes, the tribes would not permit the petitioners to use springs on the submarginal land to water their cattle. (See pp. 11 and 12.)

An agency office official told GAO that, during the period 1967 through 1971, the tribes purchased about 11,000 acres of allotted land within the reservation for about \$724,000. (See p. 13.)

The tribes' general fund financial statement for the year ended June 30, 1971, prepared by BIA but not verified by GAO, showed a net worth of about \$8.6 million. Tribal income was derived primarily from land and mineral leases and expenses were for such items as welfare payments, maintenance of law and order, tribal administration, and legal fees. (See p. 14.)

On February 13, 1968, the Indian Claims Commission awarded the tribes about \$8.7 million as a compromise settlement of various claims against the Government. (See p. 14.)

On March 8, 1971, the tribes, representing the Lemhi Tribe (a part of the Shoshone-Bannock Tribes), were awarded a judgment of \$4.5 million by the Indian Claims Commission as settlement of a claim for taking about 5 million acres of land. The Lemhi Shoshone Indians were removed from the land in the early 1900s and settled on the Fort Hall Reservation. The tribes planned to use the award proceeds for per capita distributions and reservation development. (See p. 15.)

As of July 1972, the tribes had one unsettled claim pending with the Indian Claims Commission, but no specific amount had been established for this claim. (See p. 15.)

Tribal officials indicated that, if title to the submarginal land were conveyed to the tribes, the tribes planned to hold the land for the sole use of Indians and to thus provide them with opportunities for initiating or expanding existing farming and ranching operations. GAO believes that this use of the land could contribute to the social and economic advancement of the tribes. (See p. 16.)

CHAPTER 1

INTRODUCTION

Pursuant to a request dated July 31, 1972, from the Chairman of the Senate Committee on Interior and Insular Affairs (see app. I) and in accordance with subsequent discussions with his office, we have updated the factual data on pages 75 to 82 in our August 1962 report on submarginal land administered by the Bureau of Indian Affairs (BIA), Department of the Interior.¹ That report was submitted to the House and Senate Committees on Interior and Insular Affairs. The Chairman also requested our comments on how conveyance of the submarginal land could contribute to the social and economic advancement of the Indian tribes.

This report pertains to the 8,711 acres of federally owned submarginal land within or adjacent to the Fort Hall Reservation in Idaho, which is inhabited by the Shoshone-Bannock Tribes.

We reviewed pertinent records and interviewed officials and representatives of BIA's central office in Washington, D.C.; area office in Portland, Oregon; Fort Hall agency office in Fort Hall, Idaho; and of the tribes. We also interviewed county assessors and other individuals.

FORT HALL INDIAN RESERVATION

The Fort Hall Reservation, located in Bannock, Bingham, Caribou, and Power Counties in southeastern Idaho, was established by Executive order dated June 14, 1867, for various Shoshone groups in southern Idaho. On July 3, 1868, the Fort Bridger Treaty between various Shoshone and Bannock bands of Indians and the United States was concluded, and an Executive order issued on July 30, 1869, provided for establishing a reservation for the Bannock Indians within the

¹"Report on Review of Proposed Legislation for Conveyance to Certain Indian Tribes and Groups of Submarginal Land Administered by Bureau of Indian Affairs, Department of the Interior" (B-147652, B-147655, Aug. 13, 1962).

limits of the tract reserved for the various Shoshone groups by the Executive order of June 14, 1867.

The Executive order on June 14, 1867, provided for establishing a reservation of 1,800,000 acres, but the original reservation was reduced by two major cessions of land by the tribes to the United States in 1889 and 1898. An area office official told us in May 1972 that he had been unsuccessful in his attempts to reconcile the present Fort Hall Reservation acreage with the acreage of the original reservation and the two major cessions. However, information provided by BIA indicates that there were 538,101 acres of land within the reservation boundaries, and 4,897 acres of submarginal, tribal, and allotted land outside the reservation. As of December 31, 1971, the ownership status of these lands was as follows:

	<u>Acres</u>		
	<u>Within</u> <u>reservation</u> <u>boundaries</u>	<u>Outside</u> <u>reservation</u> <u>boundaries</u>	<u>Total</u>
Indian land:			
Allotted by the tribes to individ- ual Indians	260,918	356	261,274
Tribal (title held by the Government in trust for the tribes)	<u>219,726</u>	<u>672</u>	<u>220,398</u>
	<u>480,644</u>	<u>1,028</u>	<u>481,672</u>
Other land:			
Submarginal, Government-owned	4,842	3,869	8,711
Other, Government- owned	32,632	-	32,632
Private ownership (fee title)	<u>19,983</u>	<u>-</u>	<u>19,983</u>
	<u>57,457</u>	<u>3,869</u>	<u>61,326</u>
Total	<u>538,101</u>	<u>4,897</u>	<u>542,998</u>

SHOSHONE-BANNOCK TRIBES

The tribes were organized under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984). They ratified their constitution and bylaws on March 31, 1936, and the Secretary of the Interior approved them on April 30, 1936. The tribes ratified their Federal corporate charter on April 17, 1937. The tribal governing body is a business council of seven members elected from those tribal members living on the reservation.

An agency office official told us that tribal membership was 2,754 as of March 1972. A BIA report prepared in March 1972 showed that 2,095 Indians, both tribal members and nonmembers, lived on the Fort Hall Reservation and that an additional 649 lived in areas adjacent to the reservation. The report showed also that the Indian labor force totaled 1,136, of whom 398 were unemployed.

CHAPTER 2

INFORMATION ON SUBMARGINAL LAND, TRIBAL LAND,

AND OTHER TRIBAL RESOURCES

SUBMARGINAL LAND

The 8,711 acres of submarginal land are in 19 widely scattered tracts ranging in size from 20 to 1,767 acres. Of the 8,711 acres, 4,842 acres, in 16 tracts, are within the reservation boundaries and 3,869 acres, in three tracts, are adjacent to the reservation. There is some submarginal land in each of the four counties in which the reservation is located. The 19 tracts are surrounded by various combinations of privately owned, tribal, allotted, State, and Government land.

The Government acquired the submarginal land during the 1930s under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200); the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115); and section 55 of the act of August 24, 1935 (49 Stat. 750, 781). According to BIA records, the Government paid \$133,213 for the land.

In January 1971 the agency office reported to the area office that, if the submarginal land were used for farming and grazing its highest and best use, the estimated value would be about \$436,000.

On the basis of information obtained from the four county assessors' offices, we estimate that, if the submarginal lands were subject to real estate taxes, the calendar year 1971 taxes would have been \$2,100.

Improvements

An agency office official told us that the following improvements had been made on the submarginal land.

	<u>Quantity</u>	<u>Estimated value</u>
Fencing	21.7 miles	\$20,650
Range reseeding	1,795 acres	15,315
Preparing land for irrigation	84 acres	1,600
Corral	1	1,000
Developing a spring	1	<u>1,000</u>
Total		<u>\$39,565</u>

He said that, with the exception of preparing land for irrigation, the improvements generally had been financed by the Government and that many had been accomplished during the 1960s under an accelerated public works program. He said also that the individuals who had been using the land under subpermits had paid for the costs of preparing the land for irrigation.

Members of the tribal business council told us that the tribes were reluctant to develop the submarginal land as long as the Government owned the land.

Present and past use

The tribes have the authority to use all 8,711 acres of submarginal land under revocable permits issued by BIA. The current permit covers the period April 1, 1965, through December 31, 1974, and provides that the tribes pay no rental fee. In addition, the current permit reserves all water, mineral, and timber rights to the Government and prohibits the growing of price-supported crops which are in surplus supply.

BIA permits issued to the tribes through October 1964 required them to pay annual rent for use of the land. In October 1964 the Acting Secretary of the Interior directed that no further charges be made under permits issued to Indian tribes for use of such lands. During the period January 1, 1947, through October 21, 1964, the Government collected about \$8,175 in rent.

The tribes subpermit most of the submarginal land which, during the past 5 years, was used as follows:

<u>Use</u>	<u>Number of acres</u>				
	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
Subpermitted for grazing	8,401	8,441	8,441	8,441	7,991
Subpermitted for farming and grazing	60	60	220	220	220
Not subpermitted	230	190	30	30	480
Standard assignment (note a)	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
Total	<u>8,711</u>	<u>8,711</u>	<u>8,711</u>	<u>8,711</u>	<u>8,711</u>

^aStandard assignments are made to landless tribal members primarily for residential and personal use.

In subpermitting the land, the tribes have given preference to Indians by making the land available to them on a first-priority basis. During 1971, 6,375 acres of the submarginal land were subpermitted to Indians, 393 acres were subpermitted to non-Indians, and 1,443 acres were subpermitted jointly to Indians and non-Indians. Cattle and sheep owned by Indians and non-Indians intermingled and grazed on the 1,443 acres.

During the 5-year period 1967 through 1971, the tribes received \$13,775 from subpermitting the submarginal land.

Potential use

An agency office official told us that the best potential use of the submarginal land was as follows:

<u>Use</u>	<u>Acres</u>
Grazing	5,072
Dry farming	3,160
Irrigated farming	<u>479</u>
Total	<u>8,711</u>

He said that hay, grains, and alfalfa could be grown most successfully on this land.

Planned use

The tribal attorney, with the concurrence of the chairman of the tribal business council, told us in April 1972 that, if title to the submarginal land were conveyed to the tribes, they planned to hold the land for the sole use of Indians for farming and grazing and to thus provide them with opportunities for initiating or expanding existing farming and ranching operations. According to the tribal attorney, the tribes were reluctant to develop the land and make needed improvements because they did not own the land. Members of the tribal business council said that the tribes had no plans to raise price-supported crops on the submarginal land.

Water rights

In 1962 we reported that water rights for all lands on the reservation were under the jurisdiction of the United States for the Indians of the Fort Hall Reservation and that the tribes appeared to have certain water rights on the submarginal land which were protected regardless of ownership. An agency office official said that the legal status of the tribes' water rights had not changed since 1962.

As in 1962, control of the water rights on the submarginal land is a primary concern of the tribes. Members of the tribal business council told us that their water rights were being infringed upon and that, with the increasing demand for water, controlling their water rights would become more and more difficult.

For example, a boundary dispute between the tribes and a non-Indian who owns land adjacent to the submarginal land had developed over certain land. The land is outside the reservation near a spring that feeds the west fork of Bannock Creek. The dispute arose over the non-Indian's use of a hydraulic ram to pump water from the spring to supply his livestock. An agency office official reported to the chairman of the tribal business council in November 1970 that, on the basis of a BIA survey, the spring and the pumping equipment appeared to be located on the non-Indian's land.

The tribes, however, were not satisfied with the survey and were advised by their legal counsel that the non-Indian had no right to use water from the spring or to place pumping equipment on the land because it was part of the submarginal land.

Members of the tribal business council told us that ownership of the submarginal land, particularly the land outside the reservation, would help the tribes to enforce their water rights.

Mineral resources

A survey made by the Geological Survey in 1920 disclosed the possibility of a phosphate deposit on one tract of what is now submarginal land. Officials of BIA, the Bureau of Land Management, and the Geological Survey told us that no recent mineral surveys had been conducted on the Fort Hall Reservation.

Two firms have been mining phosphate on tribal land for many years, and in 1958 they began mining operations as a joint venture. Under this arrangement, one firm extracts the phosphate and retains the high-grade ore while the other firm receives the low-grade ore. Phosphate royalties have been one of the tribes' major sources of income. On December 1, 1971, the two firms also leased a 440-acre tract of submarginal land for mining phosphate. The Bureau of Land Management administers the lease, which has no termination date.

In March 1972, an official of the mining firm that extracts the phosphate told us that estimated royalties of \$292,000 might accrue from mining the phosphate deposit on the 440-acre tract of land. He stated, however, that this was only a rough estimate because the amount of phosphate ore in the land had not been precisely determined.

The mining official said that the firm did not plan to mine the phosphate ore in the tract of submarginal land for at least 10 years, because the ore is located in a newly discovered vein which would not be mined until ore deposits presently being mined on the reservation had been depleted. The mining lease, however, requires that minimum royalties and rent totaling about \$3,850 per year be paid even if no

ore is extracted. The minimum royalty payments can later be offset against one-half of production royalties but will be forfeited by the mining firms if mining is not conducted. During 1971 the tribes also subpermitted all 440 acres of this tract for livestock grazing.

An area office official told us that, pursuant to the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355), royalties from mining this tract of submarginal land are to be deposited in the Treasury until the Congress decides on their disposition.

Dispute over ownership of 160 acres

The deputy assessor for Power County told us that 160 acres of submarginal land outside the reservation were recorded as being owned by Power County. The Government purchased the 160 acres on December 14, 1936, and the transaction was recorded on January 12, 1937.

The county claimed title to the 160 acres in question under a tax lien for unpaid taxes of \$18.08, plus penalty, for calendar year 1937. The 1937 taxes were assessed against the individual who sold the land to the Government. The indenture by which the county claimed title to the land was dated January 3, 1942, and was recorded February 16, 1942. There have been no subsequent transactions recorded affecting the title to the land.

The deputy assessor told us that the 1937 tax assessment probably was erroneous because the Federal Government owned the land at the time the assessment was made and that, therefore, the county's deed might not be valid. She said that a title search on this land probably had not been conducted since the Government purchased the land in 1936. An area office official told us that the Government owned the land.

Opposition to proposed transfer

House bill 3972, introduced February 9, 1971, provides that the Government's right, title, and interest in 8,711 acres of submarginal land be held in trust for the tribes. Many property owners near the reservation were opposed to

the proposed conveyance. For example, one rancher, whose land borders one tract of submarginal land outside the reservation, wrote to a Senator from Idaho requesting that title to the submarginal land outside the reservation not be transferred to the tribes and that the Government continue to administer the land. He said that the nature of the terrain prohibits the orderly development of the land strictly along ownership boundaries and that access to water for livestock depends on cooperation among the individuals and agencies owning the land.

About 129 property owners and residents in the area near the submarginal land outside the reservation petitioned their Congressman to either withdraw House bill 3972 from consideration or amend the bill to place the submarginal land which is outside the reservation under the jurisdiction of the Bureau of Land Management. The petitioners stated that they believed that, if the submarginal land were conveyed to the tribes, the tribes would not permit the petitioners to use the springs on the submarginal land to water their cattle. As stated on page 10, members of the tribal business council told us that ownership of the submarginal land, particularly the land outside the reservation, would help the tribes to enforce their water rights.

TRIBAL LAND

BIA's records showed the following uses of tribal land.

<u>Use</u>	<u>Acres</u>
Grazing	131,458
Timber	62,340
Irrigated farming	17,322
Dry farming	4,141
Other uses (non- agricultural)	3,890
Idle	<u>1,247</u>
Total	<u>220,398</u>

Of the 219,398 acres of tribal land being used, 92,506 acres were used by Indians and 126,645 acres were used by non-Indians.

An agency office official told us that, during the period 1967 through 1971, the tribes purchased about 11,000 acres of allotted land within the reservation for about \$724,000. The Government holds this land in trust for the tribes. These purchases were made under the tribes' land acquisition program, which was aimed at eliminating the intermingling of privately owned, allotted, tribal, and sub-marginal lands and at consolidating tribal lands into units which could be operated profitably.

The chairman of the tribal business council told us that the tribes also had been purchasing heirship interests in certain allotted lands. He explained that, although the purchase of only a part interest in the land did not give the tribes full control of the land, it enabled the tribes to vote against a proposed disposition of the land and thus assured them that the land would remain in trust status. All holders of interest in the land must agree on the proposed use or sale of the land.

As of March 1972 the tribes were completing the financial arrangements for the purchase of a log-trimming sawmill. The tribes plan to install the sawmill on the reservation and trim logs to uniform diameters and sell them for use in building homes, barns, and corrals.

In 1971 the tribes engaged a consulting engineering firm to perform a water resources inventory and land-use study of the reservation. The firm estimated that the study would cost \$280,000 and would be completed in July 1973. As of April 1972, BIA had provided \$60,000 for the project and BIA officials told us that BIA probably would provide all the necessary funding.

OTHER TRIBAL RESOURCES

The tribes' general fund financial statement for the year ended June 30, 1971, prepared by BIA but not verified by us, showed a net worth of about \$8.6 million. This amount included land valued at \$7.8 million, cash of about \$314,000, and receivables and other assets of about \$493,000. The tribes reported liabilities of about \$20,000. Income and expenses totaled about \$464,000 and \$481,000, respectively. The income was obtained primarily from land and mineral leases. The expenses were for such items as welfare payments, maintenance of law and order, tribal administration, and legal fees.

The tribes do not prepare interim financial statements. The tribes' records showed, however, that as of March 30, 1972, the tribes had a general fund cash balance of about \$273,000. Included in this amount was about \$93,000 obtained under various Federal grant programs. Since June 30, 1971, the tribes have received approval for financial assistance of about \$570,000 from various Federal agencies. The amounts of assistance range from about \$8,000 to about \$210,000 and are for a variety of purposes, including a water resources study, the construction of a jail, and the Head Start program. The tribal treasurer told us that there had been no other significant changes in the assets or liabilities as reported at June 30, 1971.

On February 13, 1968, the Shoshone-Bannock Tribes of the Fort Hall Reservation; the Northwest Bank of Shoshone Indians of the Fort Hall Reservation and of the Washakie Settlement in Utah; and the Shoshone Tribe of the Wind River Reservation, Wyoming, were awarded a \$15.7 million judgment by the Indian Claims Commission. The act of June 19, 1968 (82 Stat. 239), appropriated the funds to cover the award, and the act of December 18, 1971 (85 Stat. 737), authorized

the distribution of the funds to the three Indian groups. The award was a compromise settlement for taking land owned by the Shoshone Tribe, taking certain reservation lands, the use of funds of the Shoshone-Bannock Tribes of Fort Hall for irrigation projects, and the failure of the United States to provide a reservation for the Bannock Tribe as promised by the treaty of February 16, 1869 (15 Stat. 673).

The Shoshone-Bannock Tribes' share of this settlement, including interest, less attorneys' fees and litigation expenses, was about \$8.7 million. Of this amount, 75 percent was set aside for distribution to tribal members on a per capita basis and 25 percent was programmed for reservation development. An initial \$2,000 per capita distribution was made on December 23, 1971.

The tribes planned to use the funds set aside for reservation development for such projects as

- purchasing a log-trimming sawmill (see p. 13),
- establishing a tribal cattle enterprise,
- supplementing the tribes' general fund, and
- financing the tribes' land acquisition program.

On March 8, 1971, the tribes, representing the Lemhi Tribe (a part of the Shoshone-Bannock Tribes), were awarded a judgment of \$4.5 million by the Indian Claims Commission as settlement of a claim for about 5 million acres of land owned by the Lemhi Tribe and taken by the Government on February 12, 1875. The Lemhi Shoshone Indians were removed from the land in the early 1900s and settled on the Fort Hall Reservation. The tribes planned to use the award proceeds for per capita distribution and reservation development. The funds to cover the award were appropriated pursuant to the act of May 25, 1971 (85 Stat. 40). As of July 1972, distribution of the funds had not been authorized.

As of July 1972 the tribes had one claim pending with the Indian Claims Commission. This claim requests a proper accounting by the Government for all property or funds received and expended on behalf of the tribes. No specific amount was established for this claim.

SUMMARY

The tribal attorney, with the concurrence of the chairman of the tribal business council, told us that, if title to the submarginal land were conveyed to the tribes, they planned to hold the land for the sole use of Indians for farming and grazing and to thus provide them with opportunities for initiating or expanding farming or ranching operations. An agency office official said that this is the best potential use of the submarginal land. We believe that this use of the land could contribute to the social and economic advancement of the tribes.

HENRY M. JACKSON, WASH., CHAIRMAN
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JERRY T. VERKLER, STAFF DIRECTOR

United States Senate

COMMITTEE ON
 INTERIOR AND INSULAR AFFAIRS
 WASHINGTON, D.C. 20510

July 31, 1972

The Honorable Elmer B. Staats
 Comptroller General of the United States
 Washington, D. C.

Dear Elmer:

This letter is in reference to my letter dated April 1, 1971, in which I requested your staff to begin updating the Comptroller General's Report on Submarginal Land which was submitted to the House and Senate Committees on Interior and Insular Affairs on August 13, 1962.

It has recently been brought to my attention that the Department of the Interior is making a study of instances in which a tribe or group of Indians seeks to acquire land and, as a result of this study, does not intend to submit any further proposed legislation and related comments on the proposed transfer of submarginal lands to Indian tribes and groups until the study is completed.

Previous agreements provided for your staff to initiate the updating of factual data in your 1962 report at the time the Department prepared a draft of proposed legislation providing for the transfer of submarginal land to an Indian tribe or group. Under these arrangements, reports were issued on four Indian tribes or groups and I understand that reports are currently in process on five additional tribes or groups.