

NAVAL AIR STATION FALLON HOUSING AND SAFETY
DEVELOPMENT ACT

—————
JUNE 17, 2013.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 1169]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1169) to direct the Secretary of the Interior to transfer to the Secretary of the Navy certain Federal land in Churchill County, Nevada, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Naval Air Station Fallon Housing and Safety Development Act”.

SEC. 2. TRANSFER OF DEPARTMENT OF THE INTERIOR LAND.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall transfer to the Secretary of the Navy, without consideration, the Federal land described in subsection (b).

(b) **DESCRIPTION OF FEDERAL LAND.**—The Federal land referred to in subsection (a) is the parcel of approximately 400 acres of land under the jurisdiction of the Secretary of the Interior that—

- (1) is adjacent to Naval Air Station Fallon in Churchill County, Nevada; and
- (2) was withdrawn under Public Land Order 6834 (NV-943-4214-10; N-37875).

(c) **MANAGEMENT.**—On transfer of the Federal land described under subsection (b) to the Secretary of the Navy, the Secretary of the Navy shall have full jurisdiction, custody, and control of the Federal land.

SEC. 3. WATER RIGHTS.

(a) **WATER RIGHTS.**—Nothing in this Act shall be construed—

- (1) to establish a reservation in favor of the United States with respect to any water or water right on lands transferred by this Act; or

(2) to authorize the appropriation of water on lands transferred by this Act except in accordance with applicable State law.

(b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS.—This section shall not be construed to affect any water rights acquired or reserved by the United States before the date of the enactment of this Act.

SEC. 4. WITHDRAWAL.

Subject to valid existing rights, the Federal land to be transferred under section 2 is withdrawn from all forms of appropriation under the public land laws, including the mining laws and geothermal leasing laws, so long as the land remains under the administrative jurisdiction of the Secretary of the Navy.

PURPOSE OF THE BILL

The purpose of H.R. 1169, as ordered reported, is to direct the Secretary of the Interior to transfer to the Secretary of the Navy certain Federal land in Churchill County, Nevada.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1169 directs the Secretary of the Interior to transfer approximately 400 acres of Bureau of Land Management (BLM) land in Churchill County, Nevada, to the Secretary of the Navy for housing and continued use by Naval Air Station Fallon. The 400 acres of BLM land to be transferred are adjacent to Naval Air Station Fallon in Churchill County, Nevada. The acreage in question was withdrawn for 20 years under a 1991 Public Land Order. The withdrawal was to provide the base with acreage for housing and a safety arc for an explosive ordnance handling facility. The housing was never constructed due to the limited length of the withdrawal. The 400 acres to be transferred would continue to be used by Naval Air Station Fallon as a safety arc for an explosive ordnance handling facility and to construct much needed family housing.

COMMITTEE ACTION

H.R. 1169 was introduced on March 14, 2013, by Congressman Mark Amodei (R–NV). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On April 26, 2013, the Subcommittee held a hearing on the bill. On May 15, 2013, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered an amendment designated #1 to the bill; the amendment was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was then 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 compari-

son 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. 1169—Naval Air Station Fallon Housing and Safety Development Act

H.R. 1169 would require the Secretary of the Interior to transfer administration jurisdiction over 400 acres of land to the Secretary of the Navy. Those lands would be used by the Navy as a housing area. Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing the legislation would have no significant impact on the federal budget. Enacting H.R. 1169 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Under current law, the affected lands are subject to a temporary right-of-way that allows the Navy to use those lands for military purposes. Because CBO expects that those lands would not generate any receipts over the next 10 years, we estimate that enacting the bill would not affect direct spending. In addition, because those lands are already managed by the federal government, we estimate that implementing the legislation would not affect the costs of managing the lands.

H.R. 1169 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. 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. Based on information provided by the Bureau of Land Management, CBO estimates that implementing the legislation would have no significant impact 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, as ordered reported, is to direct the Secretary of the Interior to transfer to the Secretary of the Navy certain Federal land in Churchill County, Nevada.

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 duplicative 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

If enacted, this bill would make no changes in existing law.

