

LAND DISPOSAL TRANSPARENCY AND EFFICIENCY ACT

FEBRUARY 28, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2095]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2095) to prohibit an increase in the lands administered by the Bureau of Land Management until a centralized database of all lands identified as suitable for disposal by Resource Management Plans for lands under the administrative jurisdiction of the Bureau is easily accessible to the public on a website of the Bureau, 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. PROHIBITION ON ACQUISITION OF LAND.

(a) SHORT TITLE.—This Act may be cited as the “Land Disposal Transparency and Efficiency Act”.

(b) PROHIBITION ON ACQUISITION OF LAND.—No land or interests in land may be added by acquisition, donation, transfer of administrative jurisdiction, or otherwise to the inventory of land and interests in land administered by the Bureau of Land Management until a centralized database of all lands identified as suitable for disposal by Resource Management Plans for lands under the administrative jurisdiction of the Bureau is easily accessible to the public on a website of the Bureau. The database required under this subsection shall be updated and maintained to reflect changes in the status of lands identified for disposal under the administrative jurisdiction of the Bureau.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall provide to the Committee on Natural Resources in the House of Representatives and the Committee on Energy and Natural Re-

sources in the Senate a report detailing the status and timing for completion of the database required by subsection (b).

PURPOSE OF THE BILL

The purpose of H.R. 2095 is to prohibit an increase in the lands administered by the Bureau of Land Management until a centralized database of all lands identified as suitable for disposal by Resource Management Plans for lands under the administrative jurisdiction of the Bureau is easily accessible to the public on a website of the Bureau.

BACKGROUND AND NEED FOR LEGISLATION

Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) allows for the sale of public lands identified through the inventory and land use and planning process and found in one of the 157 various resource management plans (RMP). Puzzlingly, any BLM lands identified for disposal are typically only made available to the public in the corresponding RMP found only at the local BLM office.

While the BLM and other federal land management agencies regularly emphasize a desire for land acquisition and the importance of land acquisition programs like the Land and Water Conservation Fund, there remains a clear imbalance and inadequate focus on the disposal of federal lands identified for disposal. Freezing BLM's land acquisitions until the public can easily access lands identified for disposal will be a small step toward restoring the balance and promote federal land sales.

H.R. 2095 will prohibit an increase in the lands administered by the Bureau of Land Management until such time as a centralized database of all lands identified as suitable for disposal by RMPs is easily accessible to the public on a website of the Bureau. During Committee consideration of H.R. 2095, the Committee adopted an amendment that would ensure the database is kept current and to require a report, within 90 days, detailing the status and timing for completion of the database.

COMMITTEE ACTION

H.R. 2095 was introduced on May 22, 2013, by Congressman Rob Bishop (R-UT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On July 19, 2013, the Subcommittee held a hearing on the bill. On January 28, 2014, the 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 .040 to the bill; the amendment was adopted by voice vote. The bill as amended was then adopted and ordered favorably reported to the House of Representatives by a roll call vote of 24 to 17, as follows:

Committee on Natural Resources

U.S. House of Representatives

113th Congress

Date: January 28, 2014

Recorded Vote #: 2

Meeting on / Amendment on: **H.R. 2095 - TO REPORT**, Adopted and favorably reported to the House of Representatives, as amended, by a vote of 24 yeas and 17 nays.

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Hastings, WA, Chairman	X			Mr. Duncan of SC	X		
<i>Mr. Defazio, OR, Ranking</i>		X		<i>Mr. Cardenas, CA</i>			
Mr. Young, AK	X			Mr. Tipton, CO			
<i>Mr. Faleomavaega, AS</i>				<i>Mr. Horsford, NV</i>		X	
Mr. Gohmert, TX	X			Mr. Gosar, AZ	X		
<i>Mr. Pallone, NJ</i>		X		<i>Mr. Huffman, CA</i>		X	
Mr. Bishop, UT	X			Mr. Labrador, ID	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. Ruiz, CA</i>		X	
Mr. Lamborn, CO	X			Mr. Southerland, FL	X		
<i>Mr. Holt, NJ</i>		X		<i>Ms. Shea-Porter, NH</i>		X	
Mr. Wittman, VA	X			Mr. Flores, TX	X		
<i>Mr. Grijalva, AZ</i>		X		<i>Mr. Lowenthal, CA</i>		X	
Mr. Broun, GA	X			Mr. Runyan, NJ			
<i>Ms. Bordallo, GU</i>		X		<i>Mr. Garcia, FL</i>		X	
Mr. Fleming, LA	X			Mr. Mullin, OK	X		
<i>Mr. Costa, CA</i>		X		<i>Mr. Cartwright, PA</i>		X	
Mr. McClintock, CA	X			Mr. Daines, MT	X		
<i>Mr. Sablan, CNMI</i>				<i>Ms. Clark, MA</i>		X	
Mr. Thompson, PA	X			Mr. Cramer, ND	X		
<i>Ms. Tsongas, MA</i>		X		Mr. LaMalfa, CA	X		
Ms. Lummis, WY	X			Mr. Smith, MO	X		
<i>Mr. Pierluisi, PR</i>				Mr. McAllister, LA	X		
Mr. Benishek, MI	X			Mr. Byrne, AL	X		
<i>Ms. Hanabusa, HI</i>		X					
				TOTALS	24	17	

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 comparison 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. 2095—Land Disposal Transparency and Efficiency Act

H.R. 2095 would prohibit the Bureau of Land Management (BLM) from acquiring new lands until the agency develops a public database of all BLM lands that have been identified for disposal. Based on information provided by the agency, CBO expects that BLM would need less than a year to construct the database, and we expect that the agency would defer the purchase of some lands during that period. Because enacting the legislation would affect direct spending, pay-as-you-go procedures apply; however, we estimate that the net impact on direct spending would be negligible. Enacting H.R. 2095 would not affect revenues.

Under current law, BLM has the authority to spend receipts from the sale of federal lands in southern Nevada to purchase environmentally sensitive lands. Because CBO expects that the bill would require BLM to defer the purchase of lands using those funds, we estimate that enacting the bill would reduce direct spending by about \$7 million in 2015 and increase direct spending by that amount in 2016. Overall, we estimate that enacting H.R. 2095 would have no net impact on direct spending.

H.R. 2095 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On February 6, 2014, CBO transmitted a cost estimate for H.R. 2954, the Public Access and Lands Improvement Act, as posted to the website of the House Committee on Rules on January 30, 2014 (Committee Print 113–35). Title IV of H.R. 2954 and H.R. 2095 contain similar provisions, and the estimated costs are the same.

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. CBO expects that BLM would need less than a year to construct the database, and they expect that the agency would defer the purchase of some lands during that period. CBO estimates that the net impact on direct spending would be negligible and enacting H.R. 2095 would not affect revenues.

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 is to prohibit an increase in the lands administered by the Bureau of Land Management until a centralized database of all lands identified as suitable for disposal by Resource Management Plans for lands under the administrative jurisdiction of the Bureau is easily accessible to the public on a website of the Bureau.

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.

DISSENTING VIEWS

H.R. 2095 will tie the hands of the Bureau of Land Management (BLM) from doing their job by creating an unneeded bureaucratic process to ultimately lead to a massive land disposal. This bill is duplicative and unnecessary as there is already an established process for BLM land disposal. Republicans have claimed that the BLM does not have accurate inventory of public land which is not the case. Land managers know what they are managing and have the tools to dispose of parcels they deem fit for disposal. Furthermore, the bill requires that BLM create a centralized database of all lands fit for disposal that is accessible to the public. However, the BLM would be barred from all land acquisitions until such a database is established.

During the legislative hearing, BLM testified that they could support some aspects of the bill such as providing access to a centralized database of all lands suitable for disposal, however they would like to see flexibility to use their existing land disposal process, and strongly oppose the land acquisition ban. Such a ban would preclude the benefits that such land acquisitions would bring to improve manageability and recreational access.

Currently, the BLM is allowed to identify lands as potentially available for disposal if lands consisting of scattered, isolated tracts that are difficult or uneconomic to manage or lands that were acquired for a specific purpose and are no longer needed for that purpose. Also, lands that could serve important public objectives, such as community expansion and economic development, that outweigh other public objectives and values that could be served by retaining the land in Federal ownership. BLM uses a public process developed and implemented locally through individual Resource Management Plans (RMPs). Among the decisions made during that land use planning process is the identification of lands that are to be retained and those that may be available for disposal under the criteria listed above.

H.R. 2095 is another bad policy proposal, and we oppose H.R. 2095, as written.

PETER A. DEFazio,
*Ranking Member, Committee
on Natural Resources.*

RAÚL M. GRIJALVA,
*Ranking Member, Sub-
committee on Public Lands
and Environmental Regu-
lation.*

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