

DISPOSAL OF EXCESS FEDERAL LANDS ACT OF 2013

APRIL 10, 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. 2657]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2657) to direct the Secretary of the Interior to sell certain Federal lands in Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, and Wyoming, previously identified as suitable for disposal, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 2657 is to direct the Secretary of the Interior to sell certain Federal lands in Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, and Wyoming, previously identified as suitable for disposal.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2657 would authorize the disposal of the nearly 3.3 million acres of land the federal government identified in a 1997 Clinton Administration report. In the report, the Bureau of Land Management (BLM) identified approximately 3.36 million acres of land in 10 western states deemed suitable for sale to non-federal entities. The 1996 Agriculture Reform Act (Public Law 104-127) required the Secretary of the Interior to report to Congress any unreserved

and unappropriated lands or mineral interests in lands that were suitable for sale or exchange to benefit the Everglades Restoration effort. The inventory was made on a county basis (totaled by state) and used the following four criteria to determine eligibility: (1) only lands that were identified for disposal in a land use plan were to be considered; (2) lands withdrawn for other purposes were not to be considered; (3) lands in Recreation and Public Purpose applications, identified for state selection, Native American allotments, or local government purposes were excluded; and (4) lands segregated for other exchange or under existing agreements for exchange were excluded. Below are the identified acreage totals by state:

Arizona	453,950
Colorado	93,741
Idaho	110,022
Montana	94,520
Nebraska	6,615
Nevada	898,460
New Mexico	813,531
Oregon	70,308
Utah	132,931
Wyoming	694,200
Total Acres	3,368,278

H.R. 2657 will require the competitive sale of the lands, subject to valid existing rights, identified in the 1997 DOI report to Congress. The disposal would equate to just over 1% of BLM land and less than one half of 1% of all federal lands. The proceeds of the land sales will be used to reduce the public debt. Four years after enactment, the Secretary of the Interior will be required to provide Congress with an updated version of the 1997 report to identify the lands that have not been sold with an explanation of why the sale had not occurred.

COMMITTEE ACTION

H.R. 2657 was introduced on July 11, 2013, by Congressman Jason Chaffetz (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 October 3, 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. The bill was then adopted and ordered favorably reported to the House of Representatives by a roll call vote of 23 yeas and 19 nays, as follows:

Committee on Natural Resources

U.S. House of Representatives

113th Congress

Date: January 28, 2014

Recorded Vote #: 3

Meeting on / Amendment on: **H.R. 2657- TO REPORT**, Adopted and favorably reported to the House of Representatives by a vote of 23 yeas and 19 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>		X	
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	23	19	

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. 2657—Disposal of Excess Federal Lands Act of 2013

H.R. 2657 would direct the Bureau of Land Management (BLM) to offer certain federal lands for sale. The bill would require the agency to sell the affected lands for fair market value as determined by an independent appraiser. Any proceeds from the sale of those lands would be deposited in the U.S. Treasury. The bill also would require BLM to complete a report to the Congress identifying federal lands that are suitable for disposal.

Based on information provided by BLM, CBO estimates that implementing the legislation would cost \$6 million over the 2015–2018 period, assuming appropriation of the necessary amounts. Enacting the bill could increase offsetting receipts, which are treated as reductions in direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that any effect on offsetting receipts would be negligible.

H.R. 2657 would direct BLM to sell federal lands identified as suitable for disposal in a 1997 report to the Congress. That report identified roughly 3.4 million acres of land as suitable for disposal; however, many of the affected lands were subject to impediments that could prevent their sale, including high disposal costs, the presence of critical natural or cultural resources and habitat, mineral claims and leases, and hazardous conditions. Over the 2000–2011 period, when the Federal Land Transaction Facilitation Act (FLTFA) was in effect, CBO estimates that BLM sold roughly 30,000 acres of the affected lands generating more than \$100 million in offsetting receipts (a significant portion of which were spent to acquire other lands under FLTFA).

Under current law, BLM has the authority to sell the affected lands identified in the 1997 report, and CBO expects that the agency will offer some of those lands for sale over the 2014–2023 period. H.R. 2657 would not require the agency to offer the affected lands for sale within a specified period of time, and CBO expects that enacting the bill would have little effect on the timing or quantity of future land sales under current law; therefore, we estimate that

enacting the bill would have no significant effect on offsetting receipts.

H.R. 2657 would require BLM to prepare a report for the Congress within four years of the bill's enactment that includes an updated list of BLM lands identified as suitable for disposal. That report also would explain why lands identified as suitable for disposal in 1997 have not been sold. The costs of preparing that report would depend on the level of detail and accuracy included in the report. CBO expects that BLM would produce a report similar to the 1997 report, which contained limited details and lacked formal appraisals for individual parcels, and we estimate that producing that report would cost \$6 million over the 2015–2018 period, assuming appropriation of the necessary amounts. Preparing a more detailed report with formal appraisals of property values would significantly increase the cost of implementing this legislation.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

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 estimates that implementing the legislation would cost \$6 million over the 2015–2018 period, assuming appropriation of the necessary amounts. Enacting the bill could increase offsetting receipts, which are treated as reductions in direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that any effect on offsetting receipts would be negligible.

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 direct the Secretary of the Interior to sell certain Federal lands in Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, and Wyoming, previously identified as suitable for disposal.

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. 2657 would require the Bureau of Land Management (BLM) to sell off “excess” federal lands identified in a 1997 report, unless those lands have since been identified in a land use plan as not suitable for disposal, have been identified for State selection, Indian tribe allotments, or for use by local governments.

In 1997, Congress ordered the BLM to inventory all unreserved and unappropriated lands which might be suitable for sale or exchange to fund Everglades Ecosystem Restoration. The 1997 law only required BLM to report on lands available for disposal, not to assess whether selling the identified lands would be in the Nation’s interest or to prepare surveys or appraisals of land available for disposal. Therefore, the report did not identify individual parcels. BLM identified a total of 3.37 million acres of “excess” land. However, the 1997 report is vague, outdated and was never intended for the purposes outlined in H.R. 2657.

This bill would create more bureaucracy and more spending by requiring the BLM to divert already strained resources to conduct extensive reviews, including cultural resource reviews, threatened and endangered species reviews, surveys and appraisals, of every parcel identified in the report.

Many of the lands identified for disposal include grazing allotments. In the past, grazing permittees have declined to acquire federal lands when offered for sale for financial and other reasons. As a result, H.R. 2657 could have disastrous effects on ranching communities throughout the west by selling the land out from under ranchers.

Finally, forcing BLM to sell land regardless of market conditions could result in a significant decline in the value of both the federal and non-federal land in areas with “excess” federal ownership.

H.R. 2657 is not well thought out and is simply another attempt to raid our federal lands; we oppose H.R. 2657.

PETER A. DEFazio.
RAÚL M. GRIJALVA.

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