

NATIONAL FOREST SMALL TRACTS ACT AMENDMENTS
ACT OF 2015

—————
JUNE 8, 2015.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1214]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1214) to amend the Small Tracts Act to expand the authority of the Secretary of Agriculture to sell or exchange small parcels of National Forest System land to enhance the management of the National Forest System, to resolve minor encroachments, and for other purposes, 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 “National Forest Small Tracts Act Amendments Act of 2015”.

SEC. 2. ADDITIONAL AUTHORITY FOR SALE OR EXCHANGE OF SMALL PARCELS OF NATIONAL FOREST SYSTEM LAND.

(a) INCREASE IN MAXIMUM VALUE OF SMALL PARCELS.—Section 3 of Public Law 97-465 (commonly known as the Small Tracts Act; 16 U.S.C. 521e) is amended in the matter preceding paragraph (1) by striking “\$150,000” and inserting “\$500,000”.

(b) ADDITIONAL CONVEYANCE PURPOSES.—Section 3 of Public Law 97-465 (16 U.S.C. 521e) is further amended—

(1) by striking “; or” at the end of paragraph (2) and inserting a semicolon;
(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(4) parcels of 40 acres or less which are determined by the Secretary to be physically isolated, to be inaccessible, or to have lost their National Forest character;

“(5) parcels of 10 acres or less which are not eligible for conveyance under paragraph (2), but which are encroached upon by permanent habitable improvements for which there is no evidence that the encroachment was intentional or negligent; or

“(6) parcels used as a cemetery, a landfill, or a sewage treatment plant under a special use authorization issued by the Secretary.”.

(c) DISPOSITION OF PROCEEDS.—Section 2 of Public Law 97–465 (16 U.S.C. 521d) is amended—

(1) by striking “The Secretary is authorized” and inserting the following:

“(a) CONVEYANCE AUTHORITY; CONSIDERATION.—The Secretary is authorized”;

(2) by striking “The Secretary shall insert” and inserting the following:

“(b) INCLUSION OF TERMS, COVENANTS, CONDITIONS, AND RESERVATIONS.—The Secretary shall insert”;

(3) by striking “covenants” and inserting “covenants”; and

(4) by adding at the end the following new subsection:

“(c) DISPOSITION OF PROCEEDS.—

“(1) DEPOSIT IN SISK FUND.—The net proceeds derived from any sale or exchange conducted under the authority of paragraph (4), (5), or (6) of section 3 shall be deposited in the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

“(2) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary until expended, for—

“(A) the acquisition of land or interests in land for administrative sites for the National Forest System in the State from which the amounts were derived;

“(B) the acquisition of land or interests in land for inclusion in the National Forest System in that State, including land or interests in land which enhance opportunities for recreational access;

“(C) the performance of deferred maintenance on administrative sites for the National Forest System in that State or other deferred maintenance activities in that State which enhance opportunities for recreational access;

or

“(D) the reimbursement of the Secretary for costs incurred in preparing a sale conducted under the authority of section 3 if the sale is a competitive sale.”.

PURPOSE OF THE BILL

The purpose of H.R. 1214 is to amend the Small Tracts Act to expand the authority of the Secretary of Agriculture to sell or exchange small parcels of National Forest System land to enhance the management of the National Forest System.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1214 would amend the Small Tracts Act (Public Law 97–465) to allow for the sale of small isolated parcels as well as parcels encumbered with certain special uses such as cemeteries. Proceeds from the sale of National Forest System lands would be deposited in a Sisk Act account and may be used for acquisition of lands for administrative sites or recreational access, to address deferred maintenance for administrative sites or recreational access or to reimburse the agency for administrative costs for preparing the sales.

H.R. 1214 would allow the Forest Service to more efficiently resolve land ownership challenges that exist on virtually every Ranger District. The benefits of expanded small parcel conveyance authority include the ability to: (1) sell parcels under 40 acres that are isolated, inaccessible, and are difficult to administer; (2) convey small parcels currently authorized under special use permits of a long-term nature with accompanying potential liability issues, like cemeteries, landfills, and sewage treatment facilities; (3) reduce efforts spent addressing individual legislative proposals needed to address these issues; (4) resolve certain encroachments of permanent,

habitable structures which cannot readily be resolved under existing authorities; and (5) retain sale proceeds which can be used for deferred maintenance for recreational access and administrative sites, to acquire lands for recreational access or administrative sites, or to reimburse for administrative costs of preparing competitive sales (acquisitions would be proponent funded for non-competitive sales).

COMMITTEE ACTION

H.R. 1214 was introduced on March 3, 2015, by Congressman Mark E. Amodei (R–NV). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. The bill was also additionally referred to the Committee on Agriculture. On April 29, 2015, the Natural Resources Committee met to consider the bill. The Subcommittee on Federal Lands was discharged by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent on April 30, 2015.

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. 1214—National Forest Small Tracts Act Amendments Act of 2015

H.R. 1214 would increase the amount of land the Forest Service could sell or exchange under the Small Tracts Act. Based on information provided by the agency, CBO estimates that enacting the legislation would increase offsetting receipts, which are treated as reductions in direct spending, by about \$1 million over the 2016–2025 period. Therefore, pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

Under the Small Tracts Act, the Forest Service is authorized to sell or exchange parcels of land meeting certain criteria specified in the law. Over the 2010–2014 period, the agency received proceeds from the sale of lands under that act totaling about \$250,000. H.R. 1214 would increase the cap on the value of lands eligible to

be sold under the act from \$150,000 to \$500,000. The bill also would allow the agency to use the Small Tracts Act to dispose of certain other types of properties, including cemeteries, landfills, and sewage treatment plants.

Based on information provided by the Forest Service, CBO estimates that enacting the bill would increase offsetting receipts by less than \$150,000 a year, on average, over the 2016–2025 period. CBO expects that allowing the agency to dispose of more valuable lands would have a small effect on offsetting receipts because there are few parcels eligible for disposal under the Small Tracts Act that would be valued above the current \$150,000 cap. CBO also expects that allowing the Forest Service to dispose of cemeteries, landfills, and sewage treatment plants would have a minimal effect on offsetting receipts because those types of properties generally have low market values.

H.R. 1214 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on 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. The Congressional Budget Office estimates that enacting the bill would increase offsetting receipts by about \$1 million over 2016–2025.

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 amend the Small Tracts Act to expand the authority of the Secretary of Agriculture to sell or exchange small parcels of National Forest System land to enhance the management of the National Forest System.

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 MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

PUBLIC LAW 97-465

AN ACT To authorize the Secretary of Agriculture to convey certain National Forest System lands, and for other purposes.

* * * * *

SEC. 2. **【The Secretary is authorized】** (a) *CONVEYANCE AUTHORITY; CONSIDERATION.*—*The Secretary is authorized*, when the Secretary determine it to be in the public interest—

(1) to sell, exchange, or interchange by quitclaim deed, all right, title, and interest, including the mineral estate, of the United States in and to National Forest System lands described in section 3; and

(2) to accept as consideration for the lands sold, exchanged, or interchanged other lands, interests in lands, or cash payment, or any combination of such forms of consideration, which, in the case of conveyance by sale or exchange, is at least equal in value, including the mineral estate, or, in the case of conveyance by interchange, is of approximately equal value, including the mineral estate, to the lands being conveyed by the Secretary. **【The Secretary shall insert】**

(b) *INCLUSION OF TERMS, COVENANTS, CONDITIONS, AND RESERVATIONS.*—*The Secretary shall insert* in any such quitclaim deed such terms, **【covenants】** *covenants*, conditions, and reservations as the Secretary deems necessary to ensure protection of the public interest, including protection of the scenic, wildlife, and recreation values of the National Forest System and provision for appropriate public access to and use of lands within the System. The preceding sentence shall not be applicable to deeds issued by the Secretary to lands outside the boundary of units of the National Forest System.

(c) *DISPOSITION OF PROCEEDS.*—

(1) *DEPOSIT IN SISK FUND.*—*The net proceeds derived from any sale or exchange conducted under the authority of paragraph (4), (5), or (6) of section 3 shall be deposited in the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a).*

(2) *USE.*—*Amounts deposited under paragraph (1) shall be available to the Secretary until expended, for—*

(A) the acquisition of land or interests in land for administrative sites for the National Forest System in the State from which the amounts were derived;

(B) the acquisition of land or interests in land for inclusion in the National Forest System in that State, including land or interests in land which enhance opportunities for recreational access;

(C) the performance of deferred maintenance on administrative sites for the National Forest System in that State or other deferred maintenance activities in that State which enhance opportunities for recreational access; or

(D) the reimbursement of the Secretary for costs incurred in preparing a sale conducted under the authority of section 3 if the sale is a competitive sale.

SEC. 3. The National Forest System lands which may be sold, exchanged, or interchanged under this Act are those the sale or exchange of which is not practicable under any other authority of the Secretary, which have a value as determined by the Secretary of not more than ~~[\$150,000]~~ \$500,000, and which are—

(1) parcels of forty acres or less which are interspersed with or adjacent to lands which have been transferred out of Federal ownership under the mining laws and which are determined by the Secretary, because of location or size, not to be subject to efficient administration;

(2) parcels of ten acres or less which are encroached upon by improvements occupied or used under claim or color of title by persons to whom no advance notice was given that the improvements encroached or would encroach upon such parcels, and who in good faith relied upon an erroneous survey, title search, or other land description indicating that there was not such encroachment~~]; or~~];

(3) road rights-of-way, reserved or acquired, which are substantially surrounded by lands not owned by the United States and which are no longer needed by the United States, subject to the first right of abutting landowners to acquire such rights-of-way~~].~~];

(4) parcels of 40 acres or less which are determined by the Secretary to be physically isolated, to be inaccessible, or to have lost their National Forest character;

(5) parcels of 10 acres or less which are not eligible for conveyance under paragraph (2), but which are encroached upon by permanent habitable improvements for which there is no evidence that the encroachment was intentional or negligent; or

(6) parcels used as a cemetery, a landfill, or a sewage treatment plant under a special use authorization issued by the Secretary.

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ROB BISHOP OF UTAH
CHAIRMAN

EXCHANGE OF LETTERS

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

June 5, 2015

The Honorable K. Michael Conaway
Chairman
Committee on Agriculture
1301 Longworth HOB
Washington, DC 20515

Dear Mr. Chairman:

On April 30, 2015, the Committee on Natural Resources ordered reported without amendment H.R. 1214, the National Forest Small Tracts Act Amendments Act of 2015, by unanimous consent. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Agriculture.

I ask that you allow the Committee on Agriculture to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding.

Thank you for your consideration of my request, and for your continued strong cooperation between our committees.

Sincerely,



Rob Bishop
Chairman
Committee on Natural Resources

cc: The Honorable John Boehner, Speaker
The Honorable Kevin McCarthy, Majority Leader
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Thomas J. Wickham, Jr., Parliamentarian

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June 5, 2015

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The Honorable Rob Bishop
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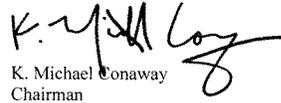
Dear Mr. Chairman:

I am writing concerning H.R. 1214, the National Forest Small Tracts Act Amendments Act of 2015. It is my understanding that, on April 30, 2015, the Committee on Natural Resources ordered the bill reported without amendment and by unanimous consent.

This legislation contains provisions within the Committee on Agriculture's Rule X jurisdiction. As a result of your having consulted with the Committee and in order to expedite this bill for floor consideration, the Committee on Agriculture will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Agriculture with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Committee Report and in the *Congressional Record* during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,



K. Michael Conaway
Chairman

cc: The Honorable Raul Grijalva
The Honorable Collin C. Peterson
The Honorable John A. Boehner, Speaker
Mr. Thomas J. Wickham, Parliamentarian