

TO DIRECT THE SECRETARY OF AGRICULTURE TO TRANSFER CERTAIN
FEDERAL LAND TO FACILITATE SCIENTIFIC RESEARCH SUPPORTING
FEDERAL SPACE AND DEFENSE PROGRAMS

DECEMBER 6, 2017.—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

together with

ADDITIONAL VIEWS

[To accompany H.R. 1800]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1800) to direct the Secretary of Agriculture to transfer certain Federal land to facilitate scientific research supporting Federal space and defense programs, 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. LAND CONVEYANCE, WASATCH-CACHE NATIONAL FOREST, RICH COUNTY, UTAH.

(a) **LAND CONVEYANCE AUTHORIZED.**—Subject to valid existing rights, not later than 6 months after the date of the enactment of this section, the Secretary of Agriculture shall convey, without consideration, to the Utah State University Research Foundation, (in this section referred to as the “Foundation”) all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 80 acres, including improvements thereon, located outside of the boundaries of the Wasatch-Cache National Forest, Rich County, Utah, within Sections 19 and 30, Township 14 North, Range 5 East, Salt Lake Base and Meridian for the purpose of permitting the Foundation to use the property for scientific and educational purposes.

(b) **REVERSIONARY INTEREST.**—If the Secretary of Agriculture determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title and interest in and to such real property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real

property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of Agriculture shall require the Foundation to cover the costs (except any costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Foundation in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Foundation.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of Agriculture.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Agriculture may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PURPOSE OF THE BILL

The purpose of H.R. 1800 is to direct the Secretary of Agriculture to transfer certain Federal land to facilitate scientific research supporting Federal space and defense programs.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1800 authorizes the transfer of an 80-acre parcel of U.S. Forest Service (USFS) land currently the Wasatch-Cache National Forest, but which is located outside of the actual Wasatch-Cache National Forest boundaries, to the Utah State University Research Foundation (a 501(c)(3) non-profit), to facilitate the continued use of the property for scientific research in direct support of ongoing U.S. military research. This parcel of land has been used since the early 1960s pursuant to a conditional use-permit from the USFS, for NASA, the U.S. Naval Research Lab, and the Utah State University Space Dynamics Laboratory (SDL), to conduct scientific research.

The property's remote location, in sections 19 and 30, in Township 14 North, Range 5 East of the Salt Lake Base and Meridian, west of Garden City, Utah, as well as its high altitude, are conducive for atmospheric research using Meteor Wind Radars, an interferometric antenna array, and antenna arrays for ionosonde soundings. There is considerable non-USFS infrastructure investment already installed at the location, including various antennas, telescopes, equipment shelters and security fencing. SDL anticipates additional infrastructure investments at the site after completion of the transfer.

The USFS placed this parcel on its disposal list in 2015 without notifying the permittees of its action or considering the legal or financial impacts of this action on the permittee. The parcel is non-administrative and the sale or disposal of the property to SDL, once placed on the disposal list, to allow it to continue to use the

property for research under existing forest service authorities, is prohibited without authorizing legislation from Congress.

Unless Congress acts, USFS lacks administrative authority to sell or otherwise transfer the parcel to SDL to allow for its continued historical use for scientific and space research. Infrastructure investments, largely funded by taxpayers under U.S. military research contracts, could be lost. Forcing SDL to find a suitable new location and relocate its infrastructure would result in higher research costs for the Department of Defense, and cause research program disruptions.

COMMITTEE ACTION

H.R. 1800 was introduced on March 30, 2017, by Congressman Rob Bishop (R-UT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On November 7, 2017, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1; it was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on November 8, 2017.

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 and the Congressional Budget Act of 1974. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 4, 2017.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1800, a bill to direct the Secretary of Agriculture to transfer certain Federal land to facilitate scientific research supporting Federal space and defense programs.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 1800—A bill to direct the Secretary of Agriculture to transfer certain Federal land to facilitate scientific research supporting Federal space and defense programs

H.R. 1800 would direct the Secretary of Agriculture to convey, without further consideration, 80 acres of land administered by the Forest Service to Utah State University. The affected lands, which are currently used by the university and certain federal agencies to conduct space-related research, are not expected to generate receipts over the next 10 years. In addition, the bill would require the university to cover any administrative costs associated with the conveyance. Finally, ownership of the affected lands would revert to the Forest Service if the university used them for nonpublic purposes.

Using information from the agency, CBO estimates that implementing the bill would have no significant effect on the federal budget. Enacting H.R. 1800 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 1800 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1800 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Jeff LeFave. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. 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 Agriculture to transfer certain Federal land to facilitate scientific research supporting Federal space and defense programs.

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. This bill does not contain any directed rule makings.

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.

ADDITIONAL VIEWS

H.R. 1800 authorizes the conveyance of 80 acres of Federal land to the Utah State University Research Foundation. The land is already used for research and categorized as suitable for disposal by the U.S. Forest Service, the agency that owns and manages the property. Conveyance to the foundation is a worthy goal that we support. However, the bill as introduced authorized a transfer without any form of compensation for the property or the administrative costs of preparing the conveyance. Federal lands belong to American taxpayers and Congress has an obligation to ensure a fair return for these precious assets. Land transfers like this, even with the goal of promoting research by a state university, must include some form of compensation.

At markup, Chairman Bishop offered an amendment that makes the transfer subject to a reversionary interest, which requires the recipient of the land to use it for a specific purpose or ownership reverts back to the United States. This strikes a fair balance and we appreciate the Chairman's commitment to the value of our public lands.

RAÚL M. GRIJALVA.

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