

ADVANCING CONSERVATION AND EDUCATION ACT

DECEMBER 14, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 244]

The Committee on Natural Resources, to whom was referred the bill (H.R. 244) to maximize land management efficiencies, promote land conservation, generate education funding, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 244 is to maximize land efficiencies, promote land conservation, and generate education funding.

BACKGROUND AND NEED FOR LEGISLATION

Stemming from the General Land Ordinance of 1785 and the Northwest Ordinance, Congress granted each new state certain federal lands to be held in trust by that state for the sole purpose of generating income for public institutions, in particular for education. Today, there are approximately 46 million acres of state trust lands, predominantly in the West. Many of these lands are contained within wilderness, national park units, and other federal conservation areas.

Since state trust lands are managed to generate revenues and maximize returns for public education, many state trust land managers have a vested interest in exchanging lands within federal conservation areas for lands with a higher revenue potential. Conversely, federal land management agencies often have a strong interest in acquiring state trust lands within conservation areas to protect environmentally sensitive areas and improve management efficiency.

H.R. 244 establishes a new mechanism for states to relinquish state trust lands within federally designated conservation areas in exchange for specified public lands managed by the Bureau of Land Management (BLM) within the state. Currently, the primary means of eliminating state trust lands within federally designated conservation areas has been through legislative land exchanges that are both time-consuming and complicated. Some state trust land managers also oppose new conservation designations that do not address state trust land inholdings, creating a significant barrier for new conservation-focused designations.

H.R. 244 facilitates the expedited removal of state trust lands from federal conservation areas and is based on an existing provision of federal law (43 U.S.C. 851) that allows states to select other federal lands in lieu of state trust lands that are encumbered by settlements or homesteads. The bill expands this provision to apply to all state trust lands in twelve western states¹ and the State of Alaska that are contained within federal conservation areas. Upon relinquishment by the state, the lands would become a part of the applicable conservation area.

The legislation stipulates that the Secretary of the Interior has the discretion to accept or reject state applications and that all land exchanges must comply with applicable laws, including the National Environmental Policy Act of 1969 (NEPA). The bill also includes provisions that address the valuation of mineral lands, as well as the conveyance of mineral lands, mining claims, water rights, and grazing permits.

COMMITTEE ACTION

H.R. 244 was introduced on January 4, 2019, by Representative Chris Stewart (R-UT). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On June 18, 2020, the Subcommittee held a hearing on the bill. On September 30, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 244: legislative hearing by the Subcommittee on National Parks, Forests, and Public Lands held on June 18, 2020.

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.

¹The twelve western states are: Arizona, California, Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET
ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of 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 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to maximize land efficiencies, promote land conservation, and generate education funding.

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.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

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

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

