

GILT EDGE MINE CONVEYANCE ACT

SEPTEMBER 28, 2022.—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. 1638]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1638) to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends 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 “Gilt Edge Mine Conveyance Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term “Federal land” means all right, title, and interest of the United States in and to approximately 266 acres of National Forest System land within the Gilt Edge Mine Superfund Boundary, as generally depicted on the map.

(2) MAP.—The term “map” means the map entitled “Gilt Edge Mine Conveyance Act” and dated August 20, 2020.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(4) STATE.—The term “State” means State of South Dakota.

SEC. 3. LAND CONVEYANCE.

(a) IN GENERAL.—Subject to the terms and conditions described in this Act, if the State submits to the Secretary an offer to acquire the Federal land for the market value, as determined by the appraisal under subsection (c), the Secretary shall convey the Federal land to the State.

(b) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be—

- (1) subject to valid existing rights;
- (2) made by quitclaim deed; and

- (3) subject to any other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.
- (c) APPRAISAL.—
- (1) IN GENERAL.—After the State submits an offer under subsection (a), the Secretary shall complete an appraisal to determine the market value of the Federal land.
- (2) STANDARDS.—The appraisal under paragraph (1) shall be conducted in accordance with—
- (A) the Uniform Appraisal Standards for Federal Land Acquisitions; and
- (B) the Uniform Standards of Professional Appraisal Practice.
- (d) MAP.—
- (1) AVAILABILITY OF MAP.—The map shall be kept on file and available for public inspection in the appropriate office of the Forest Service.
- (2) CORRECTION OF ERRORS.—The Secretary may correct any errors in the map.
- (e) CONSIDERATION.—As consideration for the conveyance under subsection (a), the State shall pay to the Secretary an amount equal to the market value of the Federal land, as determined by the appraisal under subsection (c).
- (f) SURVEY.—The State shall prepare a survey that is satisfactory to the Secretary of the exact acreage and legal description of the Federal land to be conveyed under subsection (a).
- (g) COSTS OF CONVEYANCE.—As a condition on the conveyance under subsection (a), the State shall pay all costs associated with the conveyance, including the cost of—
- (1) the appraisal under subsection (c); and
- (2) the survey under subsection (f).
- (h) PROCEEDS FROM THE SALE OF LAND.—Any proceeds received by the Secretary from the conveyance under subsection (a) shall be—
- (1) deposited in the fund established under Public Law 90–171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and
- (2) available to the Secretary until expended, without further appropriation, for the maintenance and improvement of land or administration facilities in the Black Hills National Forest in the State.
- (i) ENVIRONMENTAL CONDITIONS.—Notwithstanding section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)), the Secretary shall not be required to provide any covenant or warranty for the Federal land conveyed to the State under this Act.

PURPOSE OF THE BILL

The purpose of H.R. 1638 is to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1638 authorizes the state of South Dakota to purchase approximately 266 acres of U.S. Forest Service (USFS) land in Lawrence County, South Dakota. Specifically, if the state submits an offer to the USFS to acquire the specified National Forest System land within the Gilt Edge Mine Superfund Boundary for its market value, the USFS shall convey such land to South Dakota. Any proceeds received by the USFS from the conveyance will be deposited in a fund for the USFS to use for the maintenance and improvement of land or administration facilities in the Black Hills National Forest in South Dakota.

The conveyance authorized by the bill is intended to consolidate and facilitate the ongoing cleanup process for the Gilt Edge Mine site, a former open pit and a cyanide heap-leach gold mine, located about 6.5 miles east of Lead, South Dakota.

COMMITTEE ACTION

H.R. 1638 was introduced on March 8, 2021, by Representative Dusty Johnson (R–SD). The bill was referred solely to the Com-

mittee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On March 1, 2022, the Subcommittee held a hearing on the bill. On April 6, 2022, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl M. Grijalva (D–AZ) offered an amendment designated Grijalva #1. The amendment was agreed to by unanimous consent. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on National Parks, Forests, and Public Lands held on March 1, 2022.

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 AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* 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, as well as clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 28, 2022.

Hon. RAÚL M. GRIJALVA,
*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. 1638, the Gilt Edge Mine Conveyance Act.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 1638, Gilt Edge Mine Conveyance Act			
As ordered reported by the House Committee on Natural Resources on April 6, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

H.R. 1638 would direct the Forest Service to convey 266 acres of federal land in South Dakota, subject to valid existing rights, if the state offers to acquire the land at market value. For this estimate, CBO assumes that the state would offer to acquire the land to consolidate ownership of a Superfund site.

Under the bill, South Dakota would pay for a Forest Service appraisal and all other costs of the conveyance. CBO expects that some administrative costs incurred to update maps would not be reimbursed by the state, but we estimate those costs would be insignificant; any spending would be subject to the availability of appropriated funds.

Proceeds from the sale would be classified in the budget as offsetting receipts, which are recorded as reductions in direct spending. Those receipts would be available to the Forest Service, without further appropriation, to maintain and improve land and facilities in the Black Hills National Forest. Based on typical timeframes for such conveyances, CBO expects that the transfer would take several years to complete. Based on land prices in the area, CBO estimates that any receipts would be insignificant and would be spent shortly thereafter; thus, the net effect on direct spending would be negligible.

On February 24, 2022, CBO transmitted a cost estimate for S. 569, the Gilt Edge Mine Conveyance Act, as reported by the Senate Committee on Energy and Natural Resources on January 19, 2022. The two bills are similar, and the estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

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 direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota.

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

According to CBO, this bill contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

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.