

UTAH NATIONAL GUARD READINESS ACT

MARCH 31, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3651]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3651) to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard, 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 “Utah National Guard Readiness Act”.

SEC. 2. LAND CONVEYANCE, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled “Proposed Camp Williams Land Transfer” and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101-628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this sub-

section shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

PURPOSE OF THE BILL

The purpose of H.R. 3651 is to require the conveyance of certain public land within the boundaries of Camp Williams, Utah to support the training and readiness of the Utah National Guard.

BACKGROUND AND NEED FOR LEGISLATION

Camp W.G. Williams, located 25 miles south of Salt Lake City, Utah, is comprised of 24,000 acres of both federal and state lands. Of that acreage, some 18,000 acres of federal land are withdrawn for military purposes and operated primarily by the Utah Army National Guard; the U.S. Army also operates there. Although Camp Williams was once considered remote, Salt Lake City has grown significantly in the past few decades, and residential development has encroached on the site resulting in increased land values.

H.R. 3651, as amended, directs the Secretary of the Interior to convey 431 acres of public land, administered by the Bureau of Land Management (BLM), to the state of Utah, without consideration, for use by the Utah National Guard. The bill includes a provision directing that the land revert to federal ownership if it stops being used for National Guard or national defense purposes.

COMMITTEE ACTION

H.R. 3651 was introduced September 25, 2007, by Representative Rob Bishop (R-UT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On March 6, 2008, the Subcommittee held a hearing on the bill, during which a representative from the Interior Department testified that the BLM generally supports the bill and the conveyance of the land at no cost if the land is used for important national security and defense purposes. However, the agency also expressed substantive and technical concerns with the bill.

On March 12, 2008, the Natural Resources Committee met to consider the bill. The subcommittee was discharged from further consideration of H.R. 3651. Representative Rob Bishop (R-UT) offered an amendment in the nature of a substitute. The amendment clarified that the land conveyed under this Act would revert to federal ownership if any portion of the land is sold, or if it ever stops being used for National Guard or national defense purposes. The amendment further provided that the State of Utah shall pay fair market value to the U.S. for the land, if the land, or any portion of it, is subject to reversion but contains hazardous materials. The amendment also included technical changes addressing the BLM's concerns. The Bishop amendment was adopted by unanimous con-

sent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 entitles this Act the “The Utah National Guard Readiness Act.”

Section 2. Land conveyance, Camp Williams, Utah

Subsection 2(a) requires that, not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall convey, without consideration, to the State of Utah, all right, title and interest of the United States in and to 431 acres of public land. The land to be conveyed is generally depicted on a map entitled “Proposed Camp Williams Land Transfer” dated March 7, 2008 and is located within the boundaries of the public lands currently withdrawn for military uses by the Utah National Guard and known as “Camp Williams, Utah.” The conveyed lands are then to be permitted to the Utah National Guard, by the State of Utah, to be used for National Guard or national defense purposes.

Subsection 2(b) revokes Executive Order 1922 of April 24, 1914 as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101–628; 104 Stat. 4501) as it applies to the lands identified for conveyance in this Act. This subsection provides a technical fix. Since some of the land to be conveyed under this Act were previously withdrawn under Executive Order 1922 for military use, the BLM does not have the authority to convey those withdrawn lands. With revocation of the Executive Order, the Secretary can convey all rights, interest, and title in the lands described in subsection 2(a), unencumbered.

Subsection 2(c) is a reversionary clause that provides that the lands conveyed under this Act shall revert to the Secretary of the Interior if the land, or any portion of the land, is sold or if it is not used for National Guard or national defense purposes. This determination shall be made by the Secretary of the Interior in consultation with the Secretary of Defense and the Governor of Utah, and it shall be made on the record and after an opportunity for comment.

Subsection 2(d) provides that the land, or any portion of the land that would otherwise revert under this Act, contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value for that portion of the land. Further the reversionary interest shall not apply to that portion of the land that is found to contain hazardous materials.

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.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3, of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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)(3)(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.

2. 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.

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 require the conveyance of certain public land within the boundaries of Camp Williams, Utah to support the training and readiness of the Utah National Guard.

4. Congressional Budget Office Cost Estimate. 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. 3651—Utah National Guard Readiness Act

H.R. 3651 would direct the Bureau of Land Management (BLM) to convey, without consideration, about 430 acres of land in Utah to the state. The conveyed property would be used by Utah for activities of the state national guard.

CBO estimates that implementing H.R. 3651 would have no effect on the federal budget. The land to be conveyed to Utah is already reserved for military purposes of the U.S. Army and the Utah National Guard and does not produce income for the federal government.

H.R. 3651 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. Enacting this bill would benefit the state of Utah.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3651 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

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.

