AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 788

110TH CONGRESS
2d Session

SENATE

REPORT
110–356

BOY SCOUTS OF AMERICA LAND TRANSFER ACT

JUNE 16, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 900]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 900) to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 1, line 5, strike "2006" and insert "2008".

PURPOSE

The purpose of S. 900 is to authorize the Utah National Parks Council of the Boy Scouts of America to exchange approximately 120 acres of land in the State of Utah acquired under the Recreation and Public Purposes Act for approximately 120 acres of land owned by the Brian Head Resort.

BACKGROUND AND NEED

S. 900 will allow the exchange of two small parcels of land between the Utah National Parks Council of the Boy Scouts of America (the Boy Scouts) and Brian Head Ski Resort. Each parcel consists of approximately 120 acres.

More than thirty years ago, through four separate Recreation and Public Purposes (R&PP) Act patents, the Bureau of Land Management granted roughly 1,400 acres to the Boy Scouts to establish a recreational area and campground. The area is now known as Camp Thunder Ridge.

At the time the land was conveyed to the Boy Scouts, a local rancher owned a parcel of land adjacent to the camp and another parcel right in the middle of the camp. Several years ago, the rancher transferred those lands to Brian Head Ski Resort. The Boy Scouts would like to obtain these lands through an exchange with the resort. However, under the R&PP patents, the land cannot be transferred, exchanged, or sold. S. 900 would allow the lands to be conveyed through a land exchange.

Because Camp Thunder Ridge is located in a steep, rough, mountainous area, the Boy Scouts would like to obtain some land that is flat in order to make the camp's shooting area and archery range safer. The land exchange also would allow for the installation of much-needed septic tanks.

In addition, the resort is seeking to expand its operations and has received preliminary approval from local officials. The local planning commission, however, has required the resort to build an emergency exit from its property. The only place to build such a road is through land currently owned by the Boy Scouts. The land exchange will allow Brian Head to construct the access road.

S. 900 authorizes the land exchange and requires that the land conveyed to the resort be subject to the terms and conditions imposed on the entire tract in the original patent.

LEGISLATIVE HISTORY

S. 900 was introduced by Senators Hatch and Bennett on March 15, 2007. The Committee on Energy and Natural Resources ordered the bill favorably reported on May 7, 2008.

During the 109th Congress, Senators Hatch and Bennett introduced similar legislation, S. 476, on March 1, 2005. The Subcommittee on Public Lands and Forests held a hearing on S. 476 on March 8, 2005 (S. Hrg. 109–19). At the business meeting on March 15, 2006, the Committee on Energy and Natural Resources ordered S. 476 favorably reported with an amendment in the nature of a substitute (S. Rpt. 109–231). On September 29, 2006, S. 476 passed the Senate by unanimous consent, however, no further action was taken on the bill.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 900, if amended as described herein.

COMMITTEE AMENDMENT

During consideration of S. 900, the Committee adopted a technical amendment that changed the year in the short title of the bill from 2006 to 2008.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title.

Section 2 defines key terms used in the legislation.

Section 3(a) authorizes a land exchange between the Utah National Parks Council of the Boy Scouts of America and Brian Head Resort notwithstanding the Recreation and Public Purposes Act.

This subsection also states that the Secretary has discretion to exercise the reversionary interests of the United States upon conveyance of the parcel to Brian Head Resort.

Subsection (b) describes the lands to be exchanged.

Subsection (c) states that the lands conveyed to Brian Head Resort shall be subject to the terms and conditions imposed on the entire tract by the original patent.

Subsection (d) requires the Secretary, upon completion of the exchange, to amend the original Bureau of Land Management patent that conveyed the land to the Utah National Parks Council of the Boy Scouts of America.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 900—Boy Scouts of America Land Transfer Act of 2008

S. 900 would authorize a Boy Scout council and a private landowner to exchange two parcels of land in Utah, each of which totals about 120 acres. The land currently held by the Boy Scout council was originally obtained from the United States under the Recreation and Public Purposes Act, which granted the federal government a reversionary interest in the property if it is ever sold, transferred, or exchanged. S. 900 would allow the proposed exchange to go forward and would transfer the federal government's reversionary interest to the new property to be obtained by the Boy Scouts.

Based on information provided by the Bureau of Land Management, CBO estimates that implementing S. 900 would have no effect on the federal budget. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 900. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 900, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 900, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The Subcommittee on Public Lands and Forests held a hearing on a similar bill, S. 476, on March 8, 2005, during the 109th Congress (S. Hrg. 109–19). The Administration's testimony on S. 476 is set forth below:

STATEMENT OF CHRISTOPHER KEARNEY, DEPUTY ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to testify on S. 476, the Boy Scouts of America Land Transfer Act of 2005, introduced by Senator Hatch. The Department of the Interior has a limited role in this legislation and the exchange it facilitates, but does not oppose the legislation.

BACKGROUND

During the 1970s, the BLM patented nearly 1400 acres of public land through four separate Recreation and Public Purposes (R&PP) Act patents to the Utah National Parks Council of the Boy Scouts of America for the purpose of establishing a campground and recreational area for scouting programs. The campground is now known as Camp Thunder Ridge. Among the restrictions placed on the lands under the provisions of the R&PP Act patents is a prohibition on the sale, transfer or exchange of the lands. Absent this legislation, the Utah National Parks Council of the Boy Scouts would not be able to complete the proposed exchange.

S. 476

S. 476 provides for the exchange of lands between two private parties, the Utah National Parks Council of the Boy Scouts of America and Brian Head Resort. The legislation mandates that the terms and conditions that apply to the original Federal patent for the parcel of land to be exchanged by the Boy Scouts shall be transferred to the parcel of land to be acquired by the Boy Scouts. The bill further stipulates that the lands are of approximately equal value.

Because the land which the Boy Scouts propose to exchange with Brian Head Resort was patented by the Bureau of Land Management (BLM) under the R&PP Act, the Federal government retains a reversionary interest in the land if the terms and conditions of the original patent are violated. As noted, the legislation would transfer the terms and conditions contained in the original patent to the new parcel of land, creating a reversionary interest in those lands.

The lands proposed for exchange under this bill are in southwestern Utah, near Cedar City in Iron County. It is our understanding that the intent of both parties is to consolidate their respective lands in order to allow for their more efficient use.

Given that the Federal government's interest in this legislation is limited to its reversionary interest, we support the language applying the terms and conditions of the original parcel to the parcel to be acquired. While the BLM does not have independent knowledge of the value of the parcels proposed for exchange, the legislation stipulates that these parcels are of equal value. Ensuring that the parcels to be exchanged are of equal value is critical to protecting the Federal government's interest. Finally, we support the provision in section 3(b)(2) of the bill that provide for Secretarial discretion in the exercise of the Federal government's reversionary interest. Given the potential risks or liabilities that may exist with improvements or hazards on the property, we strongly support this provision.

Thank you for the opportunity to testify, I will be happy to answer any questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill, S. 900, as ordered reported.

○