

PROVIDING FOR THE SALE OF THE FEDERAL GOVERNMENT'S REVERSIONARY INTEREST IN APPROXIMATELY 60 ACRES OF LAND IN SALT LAKE CITY, UTAH, ORIGINALLY CONVEYED TO THE MOUNT OLIVET CEMETERY ASSOCIATION UNDER THE ACT OF JANUARY 23, 1909

JULY 10, 2009.—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. 1442]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1442) to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909, 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. CONVEYANCE OF FEDERAL REVERSIONARY INTEREST, MT. OLIVET CEMETERY, SALT LAKE CITY, UTAH.

(a) CONVEYANCE REQUIRED.—If, within one year after the completion of the appraisal required by subsection (c), the Mount Olivet Cemetery Association of Salt Lake City, Utah (in this section referred to as the "Association"), submits to the Secretary of the Interior an offer to acquire the Federal reversionary interest in all of the approximately 60 acres of land in Salt Lake City, Utah, conveyed to the Association under the Act of January 23, 1909 (chapter 37, 35 Stat. 589), the Secretary shall convey to the Association such reversionary interest in the lands covered by the offer. The Secretary shall complete the conveyance not later than 30 days after the date of the offer.

(b) SURVEY.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall complete a survey of the lands described in subsection (a) to determine the precise boundaries and acreage of the lands subject to the Federal reversionary interest.

(c) APPRAISAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal reversionary interest in the lands identified by the survey in subsection (b). The appraisal shall be completed in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice".

(d) CONSIDERATION.—As consideration for the conveyance of the Federal reversionary interest under subsection (a), the Association shall pay to the Secretary an amount equal to the appraised value of the Federal interest, as determined under subsection (c). The consideration shall be paid not later than 30 days after the date the conveyance is made.

(e) COSTS OF CONVEYANCE.—As a condition of the conveyance under subsection (a), all costs associated with the conveyance under subsection (a), including the cost of the survey required by subsection (b) and the appraisal required by subsection (c), shall be paid by the Association.

(f) DEPOSIT AND USE OF PROCEEDS.—The Secretary shall deposit the proceeds from the conveyance under subsection (a) in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305). The proceeds so deposited shall be available to the Secretary for expenditure in accordance with subsection (c) of such section.

PURPOSE OF THE BILL

The purpose of H.R. 1442 is to provide for the sale of the federal government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909.

BACKGROUND AND NEED FOR LEGISLATION

In 1877, the U.S. Congress enacted legislation authorizing the Secretary of War to set aside 20 acres of federal land to be used as a public cemetery in Salt Lake City, Utah. The Secretary established a Board of Trustees to oversee the cemetery, which was named the Mount Olivet Cemetery Association (Association).

The Act of January 23, 1909 (Chapter 37, 35 Stat. 5890) enabled the Association to acquire an additional 60 acres, which were adjacent to the cemetery, as part of an exchange with the federal government, with the condition that the interest in the land would revert to the federal government if any of those 60 acres were not used for the purpose of a cemetery. This reversionary interest is currently held by the Bureau of Land Management (BLM) within the Department of the Interior.

This legislation is prompted by the fact that the Rowland Hall-St. Marks School, situated adjacent to the Cemetery, has contracted with the Association to purchase 13 acres of its land to expand its facility. However, the sale is subject to removal of the federal government's reversionary interest.

H.R. 1442 authorizes the Secretary of the Interior to convey the government's reversionary interest in the land to the Association for fair market value. Costs of the conveyance must also be paid by the Association.

COMMITTEE ACTION

H.R. 1442 was introduced on March 11, 2009 by Representative Matheson (D-UT). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On May 14, 2009, the Subcommittee held a hearing on the legislation during which the Administration testified in favor of the bill with several proposed amendments.

On June 10, 2009, the Subcommittee was discharged from further consideration of H.R. 1442 and the Full Natural Resources Committee met to consider the bill. Subcommittee Chairman Grijalva (D-AZ) offered an amendment in the nature of a sub-

stitute to require that a land survey be completed before the appraisal, that the conveyance of the reversionary interest include the entire parcel rather than just a portion, and mandating that the conveyance be completed within 12 months of the completion of the appraisal. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Conveyance of Federal Reversionary Interest, Mt. Olivet Cemetery, Salt Lake City, Utah

Subsection (a) requires the Secretary of the Interior (Secretary) to convey the federal reversionary interest in approximately 60 acres of land in Salt Lake City, Utah within 30 days of an offer from the Mount Olivet Cemetery Association (Association) provided that the offer is made within one year of the completion of an appraisal of the property.

Subsection (b) requires the Secretary to complete a survey of the property within 90 days of enactment to determine precise boundaries and acreage.

Subsection (c) requires the Secretary to complete an appraisal of the property within 180 days of enactment, with all costs borne by the Association.

Subsection (d) provides that the Association shall pay to the Secretary the appraised value of the federal interest within 30 days of conveyance.

Subsection (e) requires that all associated costs of the conveyance be paid by the Association.

Subsection (f) directs the deposit of proceeds from the transaction into the Federal Land Disposal Account and makes them available for expenditure in accordance with the Federal Land Transaction Facilitation Act.

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 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 provide for the sale of the federal government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909.

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. 1442—A bill to provide for the sale of the federal government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909

H.R. 1442 would direct the Bureau of Land Management (BLM) to sell the federal government's reversionary interest in about 60 acres of land in Salt Lake City. CBO estimates that enacting H.R. 1442 would have no net effect on direct spending and no effect on revenues.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The land affected by H.R. 1442 was conveyed to the Mount Olivet Cemetery Association in 1909 under a law that specified that any portion of the conveyance not used for burials would revert to the United States. (Later statutes permitted the association to lease the land for commercial purposes but not sell it.) By authorizing BLM to sell the reversionary interest in a 60-acre portion of the original conveyance to the cemetery association, H.R. 1442 would allow the land to be subsequently sold by the association. Proceeds from the sale would be available to BLM without further appropriation to acquire other lands in Utah. Administrative costs related to the transaction would be borne by the association.

Enacting H.R. 1442 would increase both offsetting receipts from proceeds of land sales and associated spending of those proceeds, resulting in no net change in direct spending. CBO cannot estimate the amount of such receipts and spending precisely in the absence of an appraisal to determine the value of the government's reversionary interest in the affected land. However, we expect that BLM would receive and spend less than \$1 million, probably in fiscal year 2010.

The CBO staff contact for this estimate is Deborah Reis. The 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. 1442 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.

