

CONVEYANCE FEDERAL PROPERTY LOCATED IN THE
NATIONAL PETROLEUM RESERVE IN ALASKA

NOVEMBER 12, 2014.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 5167]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5167) to direct the Administrator of General Services, on behalf of the Secretary of the Interior, to convey certain Federal property located in the National Petroleum Reserve in Alaska to the Olgoonik Corporation, an Alaska Native Corporation established under the Alaska Native Claims Settlement Act, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CONVEYANCE FEDERAL PROPERTY LOCATED IN THE NATIONAL PETROLEUM RESERVE IN ALASKA.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act and after completion of the appraisal described in this section, the Secretary of the Interior shall convey to the Corporation by quitclaim deed for the consideration described in subsection (c), all right, title, and interest of the United States in and to a parcel of real property described in subsection (b).

(b) **LEGAL DESCRIPTION OF PROPERTY.**—The parcel to be conveyed under subsection (a) consists of approximately 1,518 acres and improvements comprising a former Distant Early Warning Line site in the National Petroleum Reserve in Alaska near Wainwright, Alaska, and described as United States Survey Number 5252 located within the Umiat Meridian in—

(1) Sections 3 and 4 within Township 14 North, Range 31 West;

(2) Sections 17, 18, 20, 21, 26, 27, 28, 33, 34, and 35 within Township 15 North, Range 31 West; and

(3) Section 13 within Township 15 North; Range 32.

(c) **TERMS AND CONDITIONS.**—

(1) **CONSIDERATION.**—

(A) IN GENERAL.—As consideration for the conveyance of the property under subsection (a), the Corporation shall pay to the Secretary an amount not less than the fair market value of the conveyed property, to be determined as provided in subparagraph (B).

(B) APPRAISAL.—The fair market value of the property to be conveyed under subsection (a) shall be determined based on an appraisal that—

- (i) is conducted by a licensed, independent appraiser that is approved by the Secretary and the Corporation;
- (ii) is based on the highest and best use of the property;
- (iii) is approved by the Secretary; and
- (iv) is paid for by the Corporation.

(2) PRE-CONVEYANCE ENTRY.—The Secretary, on terms and conditions the Secretary determines to be appropriate, may authorize the Corporation to enter the property at no charge for pre-construction and construction activities.

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(d) EXEMPTION.—Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) shall not apply to any conveyance of property under this section.

(e) CORPORATION DEFINED.—In this section, the term “Corporation” means the Olgoonik Corporation, an Alaska Native Corporation established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

Amend the title so as to read:

A bill to direct the Secretary of the Interior to convey certain Federal property located in the National Petroleum Reserve in Alaska to the Olgoonik Corporation, an Alaska Native Corporation established under the Alaska Native Claims Settlement Act.

PURPOSE OF THE BILL

The purpose of H.R. 5167, as amended, is to direct the Secretary of the Interior to convey certain Federal property located in the National Petroleum Reserve in Alaska to the Olgoonik Corporation, an Alaska Native Corporation established under the Alaska Native Claims Settlement Act.

BACKGROUND AND NEED FOR LEGISLATION

The Wainwright Short Range Radar Site is an old Distant Early Warning (DEW) station, commonly referred to as the Wainwright DEW Line site. The underlying property is owned by the Department of the Interior and managed by the Bureau of Land Management (BLM). Historically, the U.S. Air Force maintained a radar site on the property but it is no longer operational. The Air Force is in the final stages of remediating some contamination of the site, which is expected to be finished in 2014, and the Olgoonik Corporation, an Alaska Native Corporation established under the Alaska Native Claims Settlement Act, is collaborating on the effort.

After completion of its remediation work, the Air Force is set to relinquish its right-of-way on the property. Olgoonik has been working with BLM to acquire the DEW Line site; however, language in the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.) prevents BLM from proceeding with the disposal.

Olgoonik and the Wainwright DEW Line site are within the National Petroleum Reserve—Alaska (NPRA). All lands surrounding the DEW Line site are owned by Olgoonik. H.R. 5167 directs the Secretary of the Interior to convey at fair market value the approximately 1,518 acres and improvements comprising the former DEW Line site in the NPRA near Wainwright, Alaska, to the

Olgoonik Corporation. Olgoonik would purchase the 1,518 acres and fold it into its existing land use management plan and policies, turning a potential abandoned and unused parcel into Olgoonik property.

During Full Committee consideration of the bill, the Committee approved a technical amendment that removed the third party role of the General Services Administration from the land sale and a requirement for a resurvey since a previously completed one remains relevant. Both changes were requested by the Administration (BLM), who supports the bill.

COMMITTEE ACTION

H.R. 5167 was introduced on July 22, 2014, by Congressman Don Young (R-AK). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittees on Public Lands and Environmental Regulation and Indian and Alaska Native Affairs. On September 9, 2014, the Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill. On September 18, 2014, the Full Natural Resources Committee met to consider the bill. The Subcommittees on Public Lands and Environmental Regulation and Indian and Alaska Native Affairs were discharged by unanimous consent. Congressman Young offered an amendment designated .109 to the bill; the amendment was adopted by unanimous consent. No further amendments were offered and the bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

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

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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. 5167—A bill to direct the Secretary of the Interior to convey certain federal property located in the National Petroleum Reserve in Alaska to the Olgoonik Corporation, an Alaska Native Corporation established under the Alaska Native Claims Settlement Act

H.R. 5167 would direct the Bureau of Land Management (BLM) to sell 1,500 acres of federal land in Alaska to the Olgoonik Corporation. The corporation was established to administer land and financial assets awarded to certain Alaska Natives in settlements with the federal government. Based on information provided by BLM, CBO estimates that enacting the bill would increase offsetting receipts, which are treated as reductions in direct spending, by \$1 million in 2015. Because enacting the bill would affect direct spending, pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

Based on information provided by BLM, CBO expects that, under current law, the affected lands, which are located in the National Petroleum Reserve in Alaska and surrounded by lands owned by the Olgoonik Corporation, would not generate offsetting receipts over the next 10 years. Under the bill, the Olgoonik Corporation would be required to pay fair market value to purchase the affected lands. Based on information regarding the value of similar lands located in remote portions of Alaska, CBO estimates that the affected lands would be worth between \$500 and \$1,000 per acre, and we estimate that the sale of those lands would increase offsetting receipts by about \$1 million in 2015.

H.R. 5167 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. The land conveyance authorized by the bill would benefit the Olgoonik Corporation.

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

2. Section 308(a) of 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. Based on information provided by BLM, CBO estimates that enacting the bill would increase offsetting receipts, which are treated as reductions in direct spending, by \$1 million in 2015.

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, as amended, is to direct the Secretary of the Interior to convey certain Federal property located in the National Petroleum Reserve in Alaska to the Olgoonik Corporation, an Alaska Native Corporation established under the Alaska Native Claims Settlement Act.

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.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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.

