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{ REPORT
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LAND CONVEYED BY THE UNITED STATES TO EASTERN WASHINGTON UNIVERSITY

DECEMBER 8, 2005.—Ordered to be printed

Filed under authority of the order of the Senate of November 18, 2005

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

R E P O R T

[To accompany S. 1552]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1552) to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 1552 is to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning approximately 21 acres of land conveyed by the United States to Eastern Washington University until December 31, 2009.

BACKGROUND AND NEED

In 1961, the Bureau of Land Management issued a patent (#1216646) to Eastern Washington University for 21 acres of land on Badger Lake, Washington, under the authority of the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 et seq.). As is standard in patents issued under the R&PP Act, the patent provided that the lands would revert to the United States if either the University or any successor used the land for other

than recreational and educational purposes, or attempted to transfer title to the land.

By 1979, the University concluded that the parcel was unsuitable for the school's purposes and sought congressional assistance in exchanging the 21 acres for lands adjacent to the campus. On January 8, 1983, Public Law 97-435 was enacted. It provided a five-year period—which expired in January of 1988—during which the University would be allowed to sell or exchange the Badger Lake land for property more suitable to its needs, and directed the Secretary of the Interior to release the reversionary provision so the lands could be sold or exchanged.

Public Law 97-435 also contained provisions to address the concerns of the Department of the Interior regarding the protection of the public interest (that an exchange or sale be at fair market value) and to ensure that any transaction would be as compatible as possible with the intent of the initial R&PP grant (that the reversionary interest currently on the land held by the University be placed on any land either received in exchange or purchased with the proceeds from the sale of the land).

No sale or exchange of the land occurred during the five year period allowed under Public Law 97-435. S. 1552 would provide for a new deadline of December 31, 2009, to provide Eastern Washington University with additional time to locate land suitable for its needs.

LEGISLATIVE HISTORY

Senator Cantwell introduced S. 1552 on July 28, 2005. The Subcommittee on Public Lands and Forests held a hearing on S. 1552 on November 2, 2005. The Committee ordered S. 1552 to be favorably reported without amendment on November 16, 2005.

Similar legislation was introduced by Senator Cantwell in the 108th Congress (S. 2805) which was referred to the Committee on Energy and Natural Resources. An identical measure (H.R. 4596), sponsored by former Congressman George Nethercutt was favorably reported by the House Resources Committee on September 15, 2004, and passed the House of Representatives by voice vote on September 28, 2004.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on November 16, 2005, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1552, as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1 amends Public Law 97-435 (96 Stat. 2281) to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009.

COST AND BUDGETARY CONSIDERATIONS

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

S. 1552—A bill to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009

In 1961, the federal government conveyed 21 acres to land to Eastern Washington University. Under the terms of the conveyance, if the university uses the land for some purpose other than education or recreation, ownership reverts to the federal government. S. 1552 would authorize the Secretary of the Interior to release the federal government's reversionary interest in the land to allow the university to sell or exchange the property.

Based on information from the Department of the Interior, CBO estimates that allowing the university to sell or exchange this land under S. 1552 would not affect the federal budget. S. 152 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.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy 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. 1552.

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. 1552.

EXECUTIVE COMMUNICATIONS

The views of the Administration were included in testimony received by the Committee at a hearing on the bill on November 2, 2005.

STATEMENT OF SCOTT J. CAMERON, DEPUTY ASSISTANT SECRETARY FOR PERFORMANCE, ACCOUNTABILITY, AND HUMAN RESOURCES, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to present the views of the Department of the Interior on S. 1552. This bill would amend P.L. 97-435 by extending until December 31, 2009, authorization for the Secretary of the Interior to release a reversionary interest contained in the patent of lands conveyed by the United States to Eastern Washington Univer-

sity. S. 1552 leaves untouched the provisions in P.L. 97-435 that protect the public interest and ensure that any transaction is compatible with the education and recreation purposes of the original patent. We therefore do not object to enactment of S. 1552.

In 1961, the Bureau of Land Management issued a patent (#1216646) to Eastern Washington University for 21 acres of land on Badger Lake, Washington, under the authority of the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 et seq.). As is standard in patents issued under the R&PP Act, this patent conveyed a restricted title, including the condition that the lands would revert to the United States if either the University or any successor used the land for other than recreational and educational purposes or attempted to transfer title to the land.

By 1979, the University concluded that the 21 acres were unsuitable for the school's purposes and sought Congressional assistance in exchanging the 21 acres for lands adjacent to the campus. On January 8, 1983, P.L. 97-435 was enacted. It provided a five-year period—which expired in January of 1988—during which the University would be allowed to sell or exchange the Badger Lake land for property more suitable to its needs, and directed the Secretary of the Interior to release the reverter provision so the lands could be sold or exchanged.

P.L. 97-435 also contained provisions to address the concerns of the Department of the Interior regarding the protection of the public interest (exchange or sale to be at fair market value) and to ensure that any transaction would be as compatible as possible with the intent of the initial R&PP grant (the reversionary interest currently on the land held by the university to be placed on any land either received in exchange or purchased with the proceeds from the sale of the land). Also, as required by P.L. 97-435, the University and the Secretary concluded an agreement in 1985 to implement the law.

No sale or exchange of the land occurred during the five year period allowed under P.L. 97-435. S. 1552 would provide for a new deadline of December 31, 2009, to provide an opportunity for Eastern Washington University to locate land suitable for its needs.

I would be glad to answer any questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1552, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 97–435—97th Congress

AN ACT to direct the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to section 2, the Secretary of the Interior (hereinafter in this Act referred to as the “Secretary”) shall release certain conditions contained in patent numbered 1216646 concerning the land described in subsection (b) conveyed by the United States to Eastern Washington University (formerly the Eastern Washington College of Education) (hereinafter in this Act referred to as the “University”). Such conditions provide that such land will revert to and revest in the United States if the University or any successor of the University—

(1) uses such land for purposes other than recreational and educational purposes, or

(2) attempts to transfer title to such land.

(b) The land referred to in subsection (a) comprises 21 acres and may be described as lot 6, section 34, Township 22 North, Range 41 East, Willamette Meridian, Washington.

(c) The authority of the Secretary to release such conditions shall expire **【five years after the enactment of this Act】** *on December 31, 2009.*

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