

## CONFIRMING STATE LAND GRANTS FOR EDUCATION ACT

SEPTEMBER 12, 2017.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

### R E P O R T

[To accompany H.R. 2582]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2582) to authorize the State of Utah to select certain lands that are available for disposal under the Pony Express Resource Management Plan to be used for the support and benefit of State institutions, and for other purposes, 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 “Confirming State Land Grants for Education Act”.

#### SEC. 2. AUTHORIZATION.

(a) **IN GENERAL.**—Subject to valid existing rights, the State of Utah may select any lands in T6S and T7S, R1W, Salt Lake Base and Meridian, that are owned by the United States, under the administrative jurisdiction of the Bureau of Land Management, and identified as available for disposal by land exchange in the Record of Decision for the Pony Express Resource Management Plan and Rangeland Program Summary for Utah County (January 1990), as amended by the Pony Express Plan Amendment (November 1997), in fulfillment of the land grants made in sections 6, 8, and 12 of the Act of July 16, 1894 (28 Stat. 107) as generally depicted on the map entitled “Proposed Utah County Quantity Grants” and dated June 27, 2017, to further the purposes of the State of Utah School and Institutional Trust Lands Administration, without further land use planning action by the Bureau of Land Management.

(b) **APPLICATION.**—The criteria listed in Decision 3 of the Lands Program of the resource management plan described in subsection (a) shall not apply to any land selected under subsection (a).

(c) **EFFECT ON LIMITATION.**—Nothing in this Act affects the limitation established under section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65).

## PURPOSE OF THE BILL

The purpose of H.R. 2582 is to authorize the State of Utah to select certain lands that are available for disposal under the Pony Express Resource Management Plan to be used for the support and benefit of State institutions.

## BACKGROUND AND NEED FOR LEGISLATION

The Utah Enabling Act (28 Stat. 107), passed in 1894, granted Utah the right to select public lands for the support and benefit of state institutions, including an agricultural college (now Utah State University), in addition to the more familiar school land grants. Lands granted to Utah under this Act are managed by the Utah School and Institutional Trust Lands Administration (SITLA), which is an independent state agency that manages Utah's 3.4 million acres of trust lands.<sup>1</sup> These trust lands generate revenue primarily through resource extraction and real estate sales.<sup>2</sup>

Several thousand acres of unfulfilled selection rights are currently outstanding. In 1998, SITLA filed an application with the Bureau of Land Management (BLM) to select 444.05 acres of BLM land near the City of Eagle Mountain in Utah County for the benefit of the Utah State University land trust. This selection application was subsequently modified to add an additional 80 acres near the City of Saratoga Springs.<sup>3</sup>

For several years, BLM worked to process this application, and SITLA has incurred significant expenses in obtaining necessary archaeological clearances for the selection. However, in 2006, BLM determined that the applicable federal land management plan did not allow BLM to proceed with the selection. The basis for this decision was that, although the subject lands were classified in the land management plan for disposal by land exchange, the disposal language did not expressly refer to state selections, so selections (as opposed to land exchanges) could not be processed.<sup>4</sup>

SITLA believes that under applicable legal authority state selections are in fact authorized under the land management plan, but BLM disagrees. SITLA has also requested that BLM consider a plan amendment to authorize the proposed selections, but BLM declined to do so due to inadequate staff and funding to process the plan amendment.<sup>5</sup>

H.R. 2582 would correct the legal technicality, and confirm that BLM may process the current 500-acre selection, and future state selections in the immediate area, without further land use planning. The selected lands would still be subject to environmental reviews before they are transferred to SITLA. This will allow the United States to fulfill commitments made in the Utah Enabling Act to provide land for support of higher education and other public purposes.

<sup>1</sup>State of Utah School and Institutional Trust Lands Administration webpage, Our Agency, <https://trustlands.utah.gov/our-agency/>

<sup>2</sup>Wendine Thompson Dawson and Alden Boetse "Utah Trust Lands & Education Funding" the Sonoran Institute/Lincoln Institute of Land Policy Joint Venture and Children's Land Alliance Supporting Schools (CLASS) <https://datatoolkits.lincolninst.edu/subcenters/managing-state-trust-lands/state/ed-funding-ut.pdf>

<sup>3</sup>Information provided by the Utah School and Institutional Trust Lands Administration to the Committee on Natural Resources

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.

## COMMITTEE ACTION

H.R. 2582 was introduced on May 22, 2017, by Congresswoman Mia B. Love (R–UT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On July 14, 2017, the Subcommittee held a hearing on the bill. On July 25, 2017, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered an amendment designated #1; it was adopted by unanimous consent. Congressman Raul M. Grijalva (D–AZ) offered an amendment designated 001; it was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on July 26, 2017.

## 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 and the Congressional Budget Act of 1974. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 11, 2017.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2582, the Confirming State Land Grants for Education Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

*H.R. 2582—Confirming State Land Grants for Education Act*

H.R. 2582 would allow the Bureau of Land Management (BLM) to process the selection of 520 acres of federal land in Utah under the Utah Enabling Act of 1894. That act authorized the state of Utah to select certain federal lands to be held in trust by the School and Institutional Trust Lands Administration (SITLA), an independent state agency, for the benefit of the state. The state used that authority to select 520 acres of land that BLM identified for disposal. However, because BLM's land use plan for the area

containing the selected lands does not allow land to be disposed of through the land selection process, the agency cannot transfer those lands to the state without revising its existing plan. Based on information from BLM, CBO does not expect the agency to make the necessary revisions to that plan within the next 10 years.

Under the bill, BLM would be authorized to process SITLA's land selections without revising its existing land use plan. The affected lands currently generate receipts from grazing allotments, rights-of-way, and gravel pits. Based on historical collections, CBO estimates those receipts will total less than \$25,000 a year over the next 10 years. Thus, CBO estimates that allowing SITLA to take the affected lands into trust would not have a significant effect on offsetting receipts (which are recorded as reductions in direct spending) over the 2018–2027 period. Because enacting the bill would affect direct spending, pay-as-you-go procedures apply. The bill would not affect revenues.

CBO estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2582 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the state of Utah and local governments by expediting the transfer of federal lands to the state. The transfer could increase revenue from resource development on state trust lands; those revenues are used to fund public schools in Utah. Any costs incurred by the state of Utah or local governments associated would result from voluntary commitments.

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

2. 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 authorize the State of Utah to select certain lands that are available for disposal under the Pony Express Resource Management Plan to be used for the support and benefit of State institutions.

#### 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. This bill does not contain any directed rule makings.

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

This bill makes no changes to existing law.

