

WALNUT GROVE LAND EXCHANGE ACT

SEPTEMBER 7, 2018.—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. 5923]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5923) to direct the Secretary of Agriculture to exchange certain public lands in Ouachita National Forest, 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 “Walnut Grove Land Exchange Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) CHURCH.—The term “Church” means the Walnut Grove Church in Garland County, Arkansas.

(2) OFFERED TRACT.—The term “Offered Tract” means all right, title, and interest of the Church in and to approximately 6.3 acres of non-Federal land identified as “Offered Tract 5742” on the Detail Map of the Walnut Grove Exchange, Ouachita National Forest map (printed date May 11, 2017).

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(4) SELECTED TRACT.—The term “Selected Tract” means all right, title, and interest of the United States in and to approximately 4 acres identified as “Selected Tract 5743” on the Detail Map of the Walnut Grove Exchange, Ouachita National Forest map (printed date May 11, 2017), subject to the reservation of a road easement by the Secretary.

SEC. 3. EXCHANGE OF LAND; EQUALIZATION OF VALUE.

(a) EXCHANGE AUTHORIZED.—Subject to the provisions of this Act, not later than 2 years after the date of the enactment of this Act, if the Church offers to convey the Offered Tract to the United States, the Secretary shall—

(1) convey to the Church all right, title, and interest of the United States in and to the Selected Tract; and

- (2) accept from the Church a conveyance of all right, title, and interest of the Church in and to the Offered Tract.
- (b) REQUIREMENTS.—The exchange under subsection (a) shall be—
- (1) subject to valid existing rights;
 - (2) conditioned on an equalization payment made by the Church in accordance with subsection (c); and
 - (3) conditioned on the payment of the costs described in subsection (g).
- (c) EQUAL VALUE AND CASH EQUALIZATION.—
- (1) IN GENERAL.—Except as provided in paragraph (2), the exchange under subsection (a) shall be for equal value or the values shall be equalized by a cash payment.
 - (2) EXCEPTION.—If the value of the Offered Tract exceeds the Selected Tract, an equalization payment shall not be required.
- (d) APPRAISALS.—
- (1) IN GENERAL.—The value of the land to be exchanged under this Act shall be determined by appraisals conducted by one or more independent and qualified appraisers.
 - (2) APPRAISAL STANDARDS.—The Secretary shall complete an appraisal of the land to be exchanged under this Act in accordance with—
 - (A) the Uniform Appraisal Standards for Federal Land Acquisitions; and
 - (B) the Uniform Standards of Professional Appraisal Practice.
- (e) FORMAT.—Title and valuation of the land to be exchanged under this Act shall be in a format acceptable to the Secretary and the Church.
- (f) MAP AND LEGAL DESCRIPTIONS.—
- (1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall finalize a map and legal descriptions of all land to be conveyed under this Act.
 - (2) CORRECTIONS.—The Secretary may correct any minor errors in the map or in the legal descriptions.
 - (3) MAP ON FILE.—The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the United States Forest Service.
- (g) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this section shall be paid by the Church.

PURPOSE OF THE BILL

The purpose of H.R. 5923 is to direct the Secretary of Agriculture to exchange certain public lands in the Ouachita National Forest.

BACKGROUND AND NEED FOR LEGISLATION

The Walnut Grove Community Church is located in the unincorporated community of Jessieville, Arkansas. Originally built in 1938, the congregation moved the Church to its current location to be closer to its historic cemetery.¹ The Church building, community center, and cemetery sit on approximately four acres of land owned by the U.S. Forest Service (USFS). The Church was originally constructed on federal land at a time when oversight of these issues was far less stringent than it is today. The tract also contains part of a USFS road connecting the parcel to additional USFS land to the South. Although the Church owns the facilities, because USFS owns the underlying land, the Church has faced significant challenges as it seeks to maintain, improve and expand its facilities to meet the needs of its growing congregation.² The Church has operated under a special use permit from the USFS which has been renewed by USFS every year since 2002.³

The Church owns approximately six acres of woodland inholdings within the Ouachita National Forest and has offered to exchange this six-acre tract for the four acres of land on which the Church's

¹ Testimony of George Joseph Bassett III before the Subcommittee on Federal Lands on July 17, 2018.

² Ibid.

³ Ibid.

buildings and cemetery sit. The Church has been unsuccessfully seeking an administrative exchange of land with USFS for over 20 years.⁴

The legislation would authorize the land exchange between the Church and USFS. The bill requires the Church to pay any appraisal, survey, and any other conveyance costs of the exchange. If the Church's offered parcel is determined to be of lower value than the selected tract currently owned by USFS, the Church will be required to make an equalization payment to the government. The USFS would not be required to make an equalization payment if the offered tract is determined to be of higher value than the selected USFS land.

COMMITTEE ACTION

H.R. 5923 was introduced on May 22, 2018, by Congressman Bruce Westerman (R-AR). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On July 17, 2018, the Subcommittee held a hearing on the legislation. On July 18, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Westerman offered an amendment designated #1; 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.

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 AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. 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 following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE
Washington, DC, August 29, 2018.

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. 5923, the Walnut Grove Land Exchange Act.

⁴ Ibid.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Jeff LaFave and Sophie Godfrey-McKee.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 5923—Walnut Grove Land Exchange Act

H.R. 5923 would require the Forest Service to exchange, at the request of a private entity, four acres of federal land in the Ouachita National Forest in Arkansas, for six acres of private land in that forest.

Using information from the Forest Service, CBO estimates that under current law the land that would be conveyed by the agency will generate receipts from a special-use permit totaling about \$4,000 over the 2019–2028 period. Because those receipts would not be collected under the bill, CBO estimates that enacting H.R. 5923 would increase direct spending by that amount.

If appraisals indicate that the value of the federal parcel exceeds the value of the nonfederal parcel, the bill would require the private entity to provide a cash equalization payment to the Forest Service. Such payments are recorded as offsetting receipts, which are treated as reductions in direct spending. However, because CBO expects that the parcels would have a similar value, any such payment would not exceed \$100,000, CBO estimates.

H.R. 5923 would require the private entity to cover all administrative costs associated with the land exchange. Any land received by the Forest Service would be managed in accordance with existing authority to manage National Forest land.

Because enacting H.R. 5923 would affect direct spending, pay-as-you-go procedures apply. However, CBO estimates that any such effects would not be significant in any year. Enacting H.R. 5923 would not affect revenues.

CBO estimates that enacting H.R. 5923 would not significantly affect net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 5923 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contacts for this estimate are Jeff LaFave and Sophie Godfrey-McKee. The estimate was reviewed 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 direct the Secretary of Agriculture to exchange certain public lands in the Ouachita National Forest.

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

If enacted, this bill would make no changes in existing law.

