

RECREATION AND PUBLIC PURPOSES TRIBAL PARITY
ACT

DECEMBER 30, 2022.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 8115]

The Committee on Natural Resources, to whom was referred the bill (H.R. 8115) to amend the Recreation and Public Purposes Act to authorize sales and leases of certain Federal land to federally recognized Indian Tribes, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 8115 is to amend the Recreation and Public Purposes Act to authorize sales and leases of certain federal land to federally recognized Indian Tribes.

BACKGROUND AND NEED FOR LEGISLATION

The *Recreation and Public Purposes Act of 1926* provides the Bureau of Land Management (BLM) the ability to purchase and lease public lands for recreation or public purposes with state and local governments and eligible nonprofit partners. Land uses under the Act include municipal facilities, schools, hospitals, parks, historic monument sites, campgrounds, and law enforcement facilities.

Because the Act allows for the transfer and lease of public lands at prices far below fair market value, the State, local, and nonprofit entities that receive the lands must agree always to use them for public purposes. Any revenue collected by state and local governments on lands conveyed under the Recreation and Public Purposes (R&PP) Act must specifically be used on those lands, and BLM retains a reversionary interest in the lands to enforce these terms.

When the *Recreation and Public Purposes Act* became law, tribal governments were excluded from the program. This omission leaves tribal governments without the same opportunities as state and local governments to utilize the Act for community development and cultural heritage purposes at discounted rates. H.R. 8115 provides parity for federally recognized tribes by enabling them to participate in the Act's purchasing and leasing program, thus providing expanded opportunities for land acquisition.

H.R. 8115 was included in H.R. 2617, the Consolidated Appropriations Act, 2023,¹ which Congress passed on December 23, 2022. As of the writing of this report, President Biden is expected to sign the bill into law.²

COMMITTEE ACTION

H.R. 8115 was introduced on June 16, 2022, by Representative Doug LaMalfa (R-CA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands and the Subcommittee for Indigenous Peoples of the United States. On September 14, 2022, the Subcommittee for Indigenous Peoples of the United States held a hearing on the bill. On December 8, 2022, the Natural Resources Committee met to consider the bill. The Subcommittees were discharged by unanimous consent. The bill was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee for Indigenous Peoples of the United States held on September 14, 2022.

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) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) and clause 3(d) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional

¹ Division DD, Title I, Section 104.

² <https://www.whitehouse.gov/briefing-room/statements-releases/2022/12/23/statement-from-president-joe-biden-on-passage-of-the-bipartisan-year-end-omnibus/>.

Budget Office, should such cost estimate be made available before House passage of the bill. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to amend the Recreation and Public Purposes Act to authorize sales and leases of certain federal land to federally recognized Indian Tribes.

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.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

ACT OF JUNE 14, 1926

SECTION 1. (a) The Secretary of the Interior upon application filed by a duly qualified applicant under section 2 of this Act may, in the manner prescribed by this Act, dispose of any public lands to a State, *federally recognized Indian Tribe*, Territory, county, municipality, or other State, *Tribal*, Territorial, or Federal instrumentality or political subdivision for any public purposes, or to a nonprofit corporation or nonprofit association for any recreational or any public purpose consistent with its articles of incorporation or other creating authority. Before the land may be disposed of under this Act it must be shown to the satisfaction of the Secretary that the land is to be used for an established or definitely proposed project, that the land involved is not of national significance nor more than is reasonably necessary for the proposed use, and that for proposals of over 640 acres comprehensive land use plans and zoning regulations applicable to the area in which the public lands to be disposed of are located have been adopted by the appropriate State, *Tribal*, or local authority. The Secretary shall provide an opportunity for participation by affected citizens in disposals under this Act, including public hearings or meetings where he deems it appropriate to provide public comments, and shall hold at least one public meeting on any proposed disposal of more than six hundred forty acres under this Act. The Secretary may classify public lands in Alaska for disposition under this Act. Lands so classified may not be appropriated under any other public land law unless the Secretary revises such classification or authorizes the disposition of an interest in the lands under other applicable law. If, within eighteen months following such classification, no application has been filed for the purpose for which the lands have been so classified, then the Secretary shall restore such lands to appropriation under the applicable public land laws.

(b) Conveyances made in any one calendar year shall be limited as follows:

[(i) For recreational]

(1) *For recreational* purposes:

(A) To any State or the State park agency or any other agency having jurisdiction over the State park system of such State designated by the Governor of that State as its sole representative for acceptance of lands under this provision, hereinafter referred to as the State, or to any political subdivision of such State, six thousand four hundred acres, and such additional acreage as may be needed for small roadside parks and rest sites of not more than ten acres each.

(B) To any nonprofit corporation or nonprofit association, six hundred and forty acres.

(C) No more than twenty-five thousand six hundred acres may be conveyed for recreational purposes under this Act in any one State per calendar year. Should any State or political subdivision, however, fail to secure, in any one year, six thousand four hundred acres, not counting lands for small roadside parks and rest sites, conveyances may be made thereafter if pursuant to an application on file

with the Secretary of the Interior on or before the last day of said year and to the extent that the conveyance would not have exceeded the limitations of said year.

(D) *To any federally recognized Indian Tribe, 6,400 acres.*

[(ii) For public purposes]

(2) *For public purposes other than recreation:*

(A) To any State or agency or instrumentality thereof, for any one program, six hundred and forty acres.

(B) To any political subdivision of a State, six hundred and forty acres.

(C) To any nonprofit corporation or nonprofit association, six hundred and forty acres.

(D) *To any federally recognized Indian Tribe, 640 acres.*

(c) Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, Territory, county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under this Act only with the consent of such Federal department or agency, or of such State, Territory, or local governmental unit. Nothing in this Act shall be construed to apply to lands in any national forest, national park, or national monument, or national wildlife refuge, or to any Indian lands or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians, or, except insofar as this Act applies to leases of land to **[States and counties and to State and Federal] States, federally recognized Indian Tribes, and counties and to State, Tribal, Territorial, and Federal** instrumentalities and political subdivisions and to municipal corporations, to the revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands in the State of Oregon. Nor shall any disposition be made under this Act for any use authorized under any other law**],** except for a use authorized under the Act of June 1, 1938 (52 Stat. 609; 43 U.S.C., sec. 682a), as amended**].**

SEC. 2. The Secretary of the Interior may after due consideration as to the power value of the land, whether or not withdrawn therefor, (a) sell such land to the State, *federally recognized Indian Tribe*, Territory, county, or other State, *Tribal*, Territorial, or Federal instrumentality or political subdivision in which the lands are situated, or to a nearby *federally recognized Indian Tribe* or municipal corporation in the same State or Territory, for the purpose for which the land has been classified, and conveyances of such land for historic-monument purposes or recreational purposes under this subsection shall be made without monetary consideration, while conveyances for any other purpose under this subsection shall be made at a price to be fixed by the Secretary of the Interior through appraisal or otherwise, after taking into consideration the purpose for which the lands are to be used; (b) lease such land to the State, *federally recognized Indian Tribe*, Territory, county, or other State, *Tribal*, Territorial, or Federal instrumentality or political subdivision in which the lands are situated, or to a nearby *federally recognized Indian Tribe* or municipal corporation in the same State or Territory, for the purpose for which the land has been classified,

at a reasonable annual rental, except that leases of such lands for recreational purposes shall be made without monetary consideration, for a period up to twenty-five years, and, at the discretion of the Secretary, with a privilege of renewal for a like period, (c) sell such land to a nonprofit corporation or nonprofit association, for the purpose for which the land has been classified, at a price to be fixed by the Secretary of the Interior through appraisal, after taking into consideration the purpose for which the lands are to be used, or (d) lease such land to a nonprofit corporation or nonprofit association at a reasonable annual rental, for a period up to twenty years, and, at the discretion of the Secretary, with a privilege of renewal for a like period. Each patent or lease so issued shall contain a reservation to the United States of all mineral deposits in the lands conveyed or leased and of the right to mine and remove the same, under applicable laws and regulations to be established by the Secretary. Each lease shall contain a provision for its termination upon a finding by the Secretary that the land has not been used by the lessee for the purpose specified in the lease for such period, not over five years, as may be specified in the lease, or that such land or any part thereof is being devoted to another use.

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SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

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