

FORT CARSON-PINON CANYON MILITARY LANDS
WITHDRAWAL ACT

FEBRUARY, 14, 1995.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. SPENCE, from the Committee on National Security,
submitted the following

REPORT

[To accompany H.R. 256]

[Including cost estimate of the Congressional Budget Office]

The Committee on National Security, to whom was referred the bill (H.R. 256) to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE AND SUMMARY

The purpose of H.R. 256 is to withdraw and reserve certain public lands and mineral rights within the state of Colorado for military purposes. The bill would withdraw for military purposes 3,133.02 acres of public lands and 11,415.16 acres of federally owned minerals located within the existing Fort Carson Military Reservation; and 2,517.12 acres of surface land and 130,139 acres of minerals at the associated Pinon Canyon Maneuver Site, both in Colorado.

The Secretary of the Army would be given management responsibility of the lands withdrawn for military purposes. The Secretary of the Interior would be given management responsibility for all other purposes. Not later than five years after enactment, the Secretary of the Army, with the concurrence of the Secretary of the Interior, would develop a plan for the management of such lands. To implement the management plan a memorandum of understanding would be entered into by the Secretaries of the Army and Interior that could be amended by agreement of both Secretaries.

Every five years, the Secretaries would be required to determine which lands are suitable, if any, for opening for mining, mineral and geothermal leasing or mineral material disposal. The Secretary of the Interior would publish a notice in the Federal Register listing the lands determined suitable and specifying the opening date.

The bill provides that the United States shall be held harmless and not liable for injuries or damages arising out of any such mining, mineral activity, or geothermal leasing activity conducted on the Fort Carson Reservation or the Pinon Canyon Maneuver Site. It further provides for indemnification of the United States for any costs, fees, damages, or other liabilities incurred as a result of such activities.

All hunting, fishing, and trapping on the withdrawn and reserved lands would be conducted in accordance with state law under the provisions of section 2671 of title 10, United States Code.

Consistent with the Military Lands Withdrawal Act of 1986 (Public Law 99-606), the withdrawal would terminate 15 years after enactment. Procedures would also be set up for renewal or relinquishment of the reserved and withdrawn lands upon termination.

The bill also provides for decontamination of the withdrawn land, both during the period of withdrawal and upon relinquishment of the lands by the Department of the Army. It further establishes procedures to be followed in the event that the Secretary of the Interior and the Secretary of the Army conclude that it is not practicable or economically feasible for any or all of the lands to be decontaminated.

The bill also would amend Public Law 99-606 to allow the Secretary of the military department concerned to utilize sand, gravel, or similar mineral or material resources for on-site construction needs for lands withdrawn under that Act. The same authority is provided by this bill for lands withdrawn herein.

BACKGROUND

Before 1958, withdrawals of public lands for military purposes were accomplished through administrative actions. Since enactment of the "Engle Act" (Public Law 85-337), a peacetime military withdrawal exceeding 5,000 acres of public lands can be accomplished only through congressional action.

The Fort Carson Military Reservation, located in El Paso, Pueblo, and Teller Counties, Colorado, has been used by the Army since 1942 and was permanently withdrawn prior to enactment of the Engle Act. H.R. 256 would withdraw an additional 3,133.02 acres of public lands and 11,415.16 acres of federally owned mineral rights within this reservation.

The Pinon Canyon Maneuver Site, located in Las Animas County, Colorado, is a newer facility established in 1981 primarily by acquisition of privately-owned land. H.R. 256 would withdraw 2,517.12 acres of surface land and 130,139 acres of federally owned mineral rights.

The principal use of Fort Carson and Pinon Canyon lands is mechanized training at battalion and brigade levels. The Fort Carson land would be used primarily for military maneuvering, train-

ing, and weapons firing; the Pinon Canyon lands would be used for maneuvering and training but not weapons firing.

The Pinon Canyon lands, and all the mineral interests covered by the bill, were covered by a temporary withdrawal pending legislation. During the 102d Congress and 103d Congress, the House passed essentially identical legislation. Action was not completed before sine die adjournment in either Congress.

LEGISLATIVE HISTORY

H.R. 256 was introduced by Rep. Joel Hefley (R-CO) on January 4, 1995, and was referred to the Committee on National Security and, in addition, to the Committee on Resources. On January 18, 1995 the Committee on Resources considered H.R. 256, and a markup session was held. The bill was ordered to be reported by the yeas and nays (42-0).

On January 31, 1995 the Committee on National Security considered H.R. 256 and, by voice vote, unanimously agreed to favorably report H.R. 256, without amendment, to the House.

Legislation essentially identical to H.R. 256 passed the House of Representatives in the 102d Congress (H.R. 4404). On July 2, 1992 the Military Installations and Facilities Subcommittee of the House Armed Services Committee considered the bill and adopted an amendment in the nature of a substitute by voice vote. The Committee on Armed Services approved H.R. 4404, as amended, by voice vote on August 4, 1992. The House of Representatives passed H.R. 4404 on August 10, 1992. In the 103d Congress similar legislation was again introduced (H.R. 194). On May 5, 1993 the Committee on Armed Services approved an amendment in the nature of a substitute to H.R. 194 incorporating the amendments adopted by the Committee on Natural Resources. The committee subsequently agreed by voice vote to favorably report H.R. 194, as amended, to the House. On May 11, 1994 H.R. 194 passed the House of Representatives as amended by a voice vote.

DEPARTMENTAL POSITION

The committee understands the Department of Defense supports H.R. 256.

COMMITTEE POSITION

The Committee on National Security, on January 31, 1995, a quorum being present, approved H.R. 256, without amendment, by voice vote.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 403 of the Congressional Budget Act of 1974 is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 3, 1995.

Hon. FLOYD D. SPENCE,
*Chairman, Committee on National Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 256, the Fort Carson-Pinon Canyon Military Lands Withdrawal Act, as ordered reported by the House Committee on National Security on January 31, 1995. CBO estimates that implementation of H.R. 256 would cost the federal government \$300,000 in the two years after enactment. The government could collect some additional rental and royalty payments, which would affect direct spending, but any such collections are likely to be negligible. Because enactment of the bill could affect direct spending, pay-as-you-go procedures would apply.

Subject to valid existing rights, H.R. 256 would withdraw from all forms of appropriation under the public land laws 5,650 acres of public land and 141,554 acres of federally owned minerals in the Fort Carson Military Reservation and Pinon Canyon Maneuver Site in Colorado. In addition, the bill would reserve the withdrawn lands for use by the Secretary of the Army. The Secretary, with the concurrence of the Secretary of the Interior, would be required to develop and implement a land management plan for the two military installations. In general, the Secretary of the Interior would manage all mineral resources. Finally, the bill would establish procedures to be carried out when the land withdrawal expires.

The land management plan would be the only additional responsibility required of the federal government by H.R. 256. Based on information from the Army, we estimate that the development of the plan would cost about \$300,000 in the two years after enactment. After the plan is completed, the federal government could receive additional rental and royalty payments as the result of leasing and mining activities. (No new mining operation can be established under current law.) Information from the Bureau of Land Management, however, indicates that the mineral resource potential of the land is minimal and that the budgetary effect of allowing mining activities would be insignificant.

Enactment of H.R. 256 would not affect the budgets of state and local governments.

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

Sincerely,

ROBERT D. REISCHAUER,
Director.

COMMITTEE COST ESTIMATE

The committee generally concurs with the estimate as contained in the report of the Congressional Budget Office.

INFLATION IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the committee concludes that the bill would have no significant inflationary impact.

OVERSIGHT FINDINGS

With reference to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, this legislation results from hearings and other oversight activities conducted by the committee pursuant to clause 2(b)(1) of rule X.

With respect to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, this legislation does not include any new budget, spending, or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures.

With respect to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Reform and Oversight pertaining to the subject matter of H.R. 256.

ROLL CALL VOTES

In accordance with clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives, the record of roll call votes taken with respect to H.R. 256 is appended to this report.

Final passage of H.R. 256 passed by voice vote.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 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 *italic*, existing law in which no change is proposed is shown in roman):

MILITARY LANDS WITHDRAWAL ACT OF 1986

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SEC. 3. MANAGEMENT OF WITHDRAWN LANDS.

(a) * * *

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(f) **ADDITIONAL MILITARY USES.—(1)** * * *

(2) *Subject to valid existing rights, the Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources when the use of such resources is required for construction needs on the respective lands withdrawn by this Act.*

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SEC. 9. DELEGABILITY.

(a) * * *

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section **【7(f)】** *8(f)* may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

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