

## OREGON SURPLUS FEDERAL LAND ACT OF 2008

SEPTEMBER 22, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and Infrastructure, submitted the following

### R E P O R T

[To accompany H.R. 6370]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 6370) to transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE LEGISLATION

H.R. 6370, the “Oregon Surplus Federal Land Act of 2008”, transfers 24 acres of excess Federal property administered by the U.S. Coast Guard to the Secretary of the Interior to hold in trust for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

#### BACKGROUND AND NEED FOR LEGISLATION

An Executive Order dated June 14, 1875, withdrew land at Cape Arago, in Coos County, Oregon, for lighthouse purposes. In 1949, a portion of that land was removed from the withdrawal, and ultimately transferred to the State of Oregon to be used as park land. The Coast Guard has determined that it no longer needs the property at Cape Arago, and has extinguished the light at the Cape Arago Light Station. The Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians want to manage this land, which once served as a burial site and is sacred to the Tribes.

## SUMMARY OF THE LEGISLATION

H.R. 6370 requires the Commandant of the Coast Guard to transfer approximately 24 acres of federally owned land, which includes the Cape Arago Light Station, in Coos County, Oregon, to the Secretary of the Interior as soon as practicable, but not later than five years after the date of the enactment. The land will be held in trust for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

The transfer of the jurisdiction of the Light Station is subject to the conditions that the Tribes use and make reasonable efforts to maintain the Station in accordance with the National Historic Preservation Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties and any other applicable laws. If the Tribes would like to make any changes to the Light Station, they shall submit the proposed changes to the Secretary for approval.

H.R. 6370 prohibits the Confederated Tribes from selling, conveying, assigning, exchanging or encumbering the property in the future and prohibits the conduct of any commercial activities on the property without the approval of the Secretary. The Light Station is to be made available to the general public for educational, park, recreational, cultural, or historic preservation purposes. The Tribes shall allow the United States to enter the Light Station, at any time without notice, for the purposes of ensuring compliance of the conditions of transfer.

If the Tribes fail to meet the conditions of transfer, the Secretary has the option to revert the Light Station or any associated historic artifact conveyed in conjunction with the transfer and place it under the administrative control of the Secretary.

After the date of enactment of this Act or as soon as practicable, the Commandant shall file the maps entitled "Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Land Transfer Maps" and legal descriptions of the parcels that will be transferred with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Each map and legal description shall be on file and made available for public inspection at the Department of the Interior.

## LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On June 26, 2008, Representative Peter A. DeFazio introduced H.R. 6370, the "Oregon Surplus Federal Land Act of 2008". On July 31, 2008, the Committee on Transportation and Infrastructure met in open session to consider H.R. 6370. The Committee ordered the bill reported favorably to the House by voice vote with a quorum present.

## RECORD VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with considering H.R. 6370 or ordering

the bill reported. A motion to order H.R. 6370 reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to transfer the administrative control of Federal property from the Coast Guard to the Secretary of the Interior.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 6370 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 26, 2008.*

Hon. JAMES L. OBERSTAR,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6370, the Oregon Surplus Federal Land Act of 2008.

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

Sincerely,

PETER H. FONTAINE  
(For Peter R. Orszag, Director).

Enclosure.

*H.R. 6370—Oregon Surplus Federal Land Act of 2008*

H.R. 6370 would require the U.S. Coast Guard to transfer to the Department of the Interior (DOI) about 24 acres of federal land in Coos County, Oregon. The land is home to the Cape Arago Light Station. DOI would be required to hold the land in trust for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians of Oregon.

Based on information from the Coast Guard and DOI, CBO estimates that implementing H.R. 6370 would have no significant effect, on the federal budget, The transfer of the property from one federal agency to another would not affect administrative costs. Further, the land does not currently generate any receipts and is not expected to be sold within the next 10 years.

H.R. 6370 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 Tyler Kruzich. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 6370 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 6370 does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

#### APPLICABILITY TO THE 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 (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED  
H.R. 6370 makes no changes in existing law.

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COMMITTEE CORRESPONDENCE

**U.S. House of Representatives**  
**Committee on Natural Resources**  
 Washington, DC 20515

September 22, 2008

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 REPUBLICAN CHIEF OF STAFF

The Honorable James Oberstar  
 Chairman  
 Committee on Transportation and Infrastructure  
 2165 Rayburn H.O.B.  
 Washington, D.C. 20515

Dear Mr. Chairman:


Thank you for the opportunity to work with you on H.R. 6370, the Oregon Surplus Federal Land Act of 2008, concerning provisions regarding a Native American tribe and the Secretary of the Interior which are within the jurisdiction of the Committee on Natural Resources.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, I will not seek a sequential referral of H.R. 6370. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the committee report on H.R. 6370 and into the Congressional Record during consideration of the measure on the House floor.

With warm regards, I am

Sincerely,



NICK J. RAHALL, II  
 Chairman  
 Committee on Natural Resources



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
Washington, DC 20515

James L. Oberstar  
Chairman

John L. Mica  
Ranking Republican Member

David Heymsfeld, Chief of Staff  
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James W. Coon II, Republican Chief of Staff

September 22, 2008

The Honorable Nick J. Rahall, II  
Chairman  
Committee on Natural Resources  
U.S. House of Representatives  
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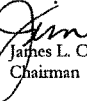
Dear Chairman Rahall:

Thank you for your September 22, 2008 letter regarding H.R. 6370, the "Oregon Surplus Federal Land Act of 2008". Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on Natural Resources. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Natural Resources has jurisdiction in H.R. 6370.

This exchange of letters will be placed in the Committee Report on H.R. 6370 and inserted in the *Congressional Record* as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,  
  
James L. Oberstar, M.C.  
Chairman

cc: The Honorable Nancy Pelosi, Speaker  
The Honorable John L. Mica, Ranking Member  
The Honorable Don Young, Ranking Member, Committee on Natural Resources  
The Honorable John Sullivan, Parliamentarian