

MODIFICATION OF LAND GRANT PATENT ISSUED BY
SECRETARY OF THE INTERIOR

APRIL 16, 2012.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany S. 404]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (S. 404) to modify a land grant patent issued by the Secretary of the Interior, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 404 is to modify a land grant patent issued by the Secretary of the Interior.

BACKGROUND AND NEED FOR LEGISLATION

On September 23, 1998, the Secretary of the Interior issued a land patent (U.S. Patent Number 61-98-0040) to the Great Lakes Shipwreck Historical Society for ownership of several acres of land on Whitefish Point, a 43-acre spit of land jutting into Lake Superior. The land, which contains the historic Whitefish Point Lighthouse, was transferred to the Historical Society for the purpose of interpreting maritime history. On March 10, 2000, the Secretary reissued the Historical Society's land patent (U.S. Patent Number 61-2000-0007) to correct an error in the original conveyance.

Following the conveyance of the Whitefish Point property, a dispute between the Michigan Audubon Society, which owns land on Whitefish Point, and the Historical Society over the management of Whitefish Point led to a lawsuit in 1999. The resulting settlement agreement led to the development of a management plan for

Whitefish Point in 2002, titled Human Use/Natural Resource Management Plan for Whitefish Point.

The reissued land patent, 61–2000–0007, does not reference the Human Use/Natural Resource Management Plan for Whitefish Point or the settlement agreement between the Michigan Audubon Society and the Great Lakes Shipwreck Historical Society that modify the use of the patented land. S. 404 will correct this by directing the Secretary of the Interior to modify the patent to reflect the current management plan to allow proposed development plans to go forward.

COMMITTEE ACTION

S. 404 was introduced on February 17, 2011, by Senator Carl Levin (D–MI). On October 18, 2011, the bill passed the Senate by unanimous consent. The bill was then referred to the House Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On January 24, 2012, the Subcommittee held a hearing on the House companion bill, H.R. 3411, sponsored by Congressman Dan Benishek (R–MI). On February 29, 2012, the Full Natural Resources Committee met to consider S. 404. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. No amendments were offered to the bill and the bill was then ordered favorably reported to the House of Representatives by voice vote.

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. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

S. 404—An act to modify a land grant patent issued by the Secretary of the Interior

S. 404 would amend an existing land grant patent to ratify a change in the use of the Whitefish Point Light Station in Michigan and related property covered by that patent. (A land grant patent is a method of conveying ownership of land.) Based on information provided by the Department of the Interior, CBO estimates that implementing S. 404 would have no effect on the federal budget.

The ratification would enable development plans for the property to go forward, but those plans do not involve federal spending. The Light Station was conveyed by the federal government to two non-profit organizations in 1996. Enacting S. 404 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

On August 1, 2011, CBO transmitted a cost estimate for S. 404, a bill to modify a land grant patent issued by the Secretary of the Interior, as ordered reported by the Senate Committee on Energy and Natural Resources on July 14, 2011. The two versions of the legislation are similar, and the CBO cost estimates are the same.

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

2. Section 308(a) of Congressional Budget Act. As required by 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, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Department of the Interior, CBO estimates that implementing S. 404 would have no effect on the federal budget.

3. 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 modify a land grant patent issued by the Secretary of the Interior.

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 as defined under Public Law 104-4.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any local or tribal law.

CHANGES IN EXISTING LAW

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