

CHICKASAW NATIONAL RECREATION AREA LAND
EXCHANGE ACT OF 2004

SEPTEMBER 28, 2004.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4066]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4066) to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, 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 “Chickasaw National Recreation Area Land Exchange Act of 2004”.

SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) By provision 64 of the agreement between the United States and the Choctaws and Chickasaws dated March 21, 1902 (32 Stat. 641, 655–56), approved July 1, 1902, 640 acres of property were ceded to the United States for the purpose of creating Sulphur Springs Reservation, later known as Platt National Park, to protect water and other resources and provide public access.

(2) In 1976, Platt National Park, the Arbuckle Recreation Area, and additional lands were combined to create Chickasaw National Recreation Area to protect and expand water and other resources as well as to memorialize the history and culture of the Chickasaw Nation.

(3) More recently, the Chickasaw Nation has expressed interest in establishing a cultural center inside or adjacent to the park.

(4) The Chickasaw National Recreation Area’s Final Amendment to the General Management Plan (1994) found that the best location for a proposed Chickasaw Nation Cultural Center is within the Recreation Area’s existing boundary and that the selected cultural center site should be conveyed to the Chickasaw Nation in exchange for land of equal value.

(5) The land selected to be conveyed to the Chickasaw Nation holds significant historical and cultural connections to the people of the Chickasaw Nation.

(6) The City of Sulphur, Oklahoma, is a key partner in this land exchange through its donation of land to the Chickasaw Nation for the purpose of exchange with the United States.

(7) The City of Sulphur, Oklahoma, has conveyed fee simple title to the non-Federal land described as Tract 102-26 to the Chickasaw Nation by Warranty Deed.

(8) The National Park Service, the Chickasaw Nation, and the City of Sulphur, Oklahoma, have signed a preliminary agreement to effect a land exchange for the purpose of the construction of a cultural center.

(b) PURPOSE.—The purpose of this Act is to authorize, direct, facilitate, and expedite the land conveyance in accordance with the terms and conditions of this Act.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) FEDERAL LAND.—The term “Federal land” means the Chickasaw National Recreational Area lands and interests therein, identified as Tract 102-25 on the Map.

(2) NON-FEDERAL LAND.—The term “non-Federal land” means the lands and interests therein, formerly owned by the City of Sulphur, Oklahoma, and currently owned by the Chickasaw Nation, located adjacent to the existing boundary of Chickasaw National Recreation Area and identified as Tract 102-26 on the Map.

(3) MAP.—The term “Map” means the map entitled “Proposed Land Exchange and Boundary Revision, Chickasaw National Recreation Area”, dated September 8, 2003, and numbered 107/800035a.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. CHICKASAW NATIONAL RECREATION AREA LAND CONVEYANCE.

(a) LAND CONVEYANCE.—Not later than 6 months after the Chickasaw Nation conveys all right, title, and interest in and to the non-Federal land to the United States, the Secretary shall convey all right, title, and interest in and to the Federal land to the Chickasaw Nation.

(b) VALUATION OF LAND TO BE CONVEYED.—The fair market values of the Federal land and non-Federal land shall be determined by an appraisal acceptable to the Secretary and the Chickasaw Nation. The appraisal shall conform with the Federal appraisal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference, 1992, and any amendments to these standards.

(c) EQUALIZATION OF VALUES.—If the fair market values of the Federal land and non-Federal land are not equal, the values may be equalized by the payment of a cash equalization payment by the Secretary or the Chickasaw Nation, as appropriate.

(d) CONDITIONS.—

(1) IN GENERAL.—Notwithstanding subsection (a), the conveyance of the non-Federal land authorized under subsection (a) shall not take place until the completion of all items included in the Preliminary Exchange Agreement among the City of Sulphur, the Chickasaw Nation, and the National Park Service, executed on July 16, 2002, except as provided in paragraph (2).

(2) EXCEPTION.—The item included in the Preliminary Exchange Agreement among the City of Sulphur, the Chickasaw Nation, and the National Park Service, executed on July 16, 2002, providing for the Federal land to be taken into trust for the benefit of the Chickasaw Nation shall not apply.

(e) ADMINISTRATION OF ACQUIRED LAND.—Upon completion of the land exchange authorized under subsection (a), the Secretary—

(1) shall revise the boundary of Chickasaw National Recreation Area to reflect that exchange; and

(2) shall administer the land acquired by the United States in accordance with applicable laws and regulations.

PURPOSE OF THE BILL

The purpose of H.R. 4066 is to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

By provision 64 of the agreement between the United States and the Choctaws and Chickasaws dated March 21, 1902 (32 Stat. 641, 655–56), approved July 1, 1902, 640 acres of property were ceded to the United States for the purpose of creating Sulphur Springs Reservation, later known as Platt National Park, to protect water and other resources and provide public access. In 1976, Platt National Park, the Arbuckle Recreation Area, and additional lands were combined to create Chickasaw National Recreation Area to protect and expand water and other resources as well as to memorialize the history and culture of the Chickasaw Nation.

More recently, the Chickasaw Nation has expressed interest in establishing a cultural center inside or adjacent to the Recreation Area. The Chickasaw National Recreation Area's Final Amendment to the General Management Plan (1994) found that the best location for a proposed Chickasaw Nation Cultural Center is within the Recreation Area's existing boundary and that the selected cultural center site should be conveyed to the Chickasaw Nation in exchange for land of equal value.

The land ultimately selected to be conveyed to the Chickasaw Nation holds significant historical and cultural connections to the people of the Nation. The City of Sulphur, Oklahoma, is a key partner in this land exchange through its donation of land to the Chickasaw Nation for the purpose exchange with the United States. The City of Sulphur, Oklahoma, has conveyed fee simple title to the non-federal land described as Tract 102–26 to the Chickasaw Nation by warranty deed. The National Park Service, the Chickasaw Nation, and the City of Sulphur, Oklahoma, have signed a preliminary agreement to effect a land exchange to allow the construction of a cultural center and to further protect the watershed and riparian resources of the Recreation Area.

The purpose of H.R. 4066 then is to authorize the aforementioned land conveyance in a manner consistent with the signed preliminary agreement; with one caveat. The caveat which results in a slight deviation from the conditions outlined in the signed preliminary agreement deals only with the proposed conveyance of land from the United States to the Chickasaw Nation. Under the agreement, the United States would place this land in trust for the Nation; however based on a subsequent agreement reached by all parties involved, the United States will now convey the land in question in fee simple to the Chickasaw Nation. The need for this deviation arises from the concern that language contained in the preliminary agreement directing the placement in trust of the land for the Chickasaw Nation could be interpreted to infringe upon their sovereign rights. Directing the conveyance in fee simple rather than trust status addresses this concern.

COMMITTEE ACTION

H.R. 4066 was introduced on March 30, 2004, by Congressman Tom Cole (R–OK). The bill was then referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On July 15, 2004, the Subcommittee held a hearing on the bill. On September 15, 2004, the Full Resource Committee met to consider the bill. By unani-

mous consent, the Subcommittee on National Parks, Recreation and Public Lands was discharged from further consideration of the bill. Congressman Cole offered an amendment in the nature of a substitute. The amendment addressed technical concerns raised by the Administration during its testimony in Subcommittee and directed a fee simple rather than trust status conveyance to the Nation. The amendment was agreed to by unanimous consent. No further amendments were offered. The bill, as amended was then 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 Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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)(3)(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.

2. 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.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. 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:

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H.R. 4066 would direct the National Park Service (NPS) to convey to the Chickasaw Nation about 29 acres of land within the Chickasaw National Recreation Area (NRA) in exchange for about 39 acres of nearby tribal property. Once acquired by the NPS, the new property would be added to the NRA.

Based on information provided by the NPS, CBO estimates that implementing H.R. 4066 would have no significant impact on the federal budget and would not affect revenues or direct spending.

For this estimate, CBO assumes that the properties to be exchanged would be determined by NPS to be roughly equal in value.

H.R. 4066 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 exchange authorized by this bill would benefit the Chickasaw Nation and the city of Sulphur, Oklahoma. Their participation in the exchange would be voluntary.

The CBO staff contacts for this estimate are Deborah Reis (for federal costs) and Marjorie Miller (for the state, local, and tribal impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

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.