

MONTANA CEMETERY ACT OF 2007

JUNE 17, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3702]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3702) to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3702 is to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery.

BACKGROUND AND NEED FOR LEGISLATION

The parcel of land within the Beaverhead-Deerlodge National Forest to be conveyed to Jefferson County in H.R. 3702 is currently being used for cemetery purposes and is known as the “Elkhorn Cemetery.” The 10-acre conveyance will provide land to accommodate all known grave sites and any additional sites that may be outside the concentration of known grave sites. In addition the conveyance is of adequate size to include the cemetery parking lot. The parcel to be conveyed is a National Register eligible property that contributes to the significance of the Elkhorn town site and the Elkhorn historic mining district. The bill also provides for the continued protection of the historic and cultural values associated with the site.

COMMITTEE ACTION

H.R. 3702 was introduced on September 27, 2007 by Representative Dennis Rehberg (R-MT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On June 5, 2008, the Subcommittee on National Parks, Forests and Public Lands held a legislative hearing on the bill.

On June 11, 2008, the Full Natural Resources Committee met to consider the bill. The Subcommittee was discharged from consideration of the legislation. The bill was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “Montana Cemetery Act of 2007”.

Section 2. Definitions

Section 2 defines the term “County” as Jefferson County, Montana; defines the term “Map” as the map that is entitled “Elkhorn Cemetery,” dated May 9, 2005, and on file in the office of the Beaverhead-Deerlodge National Forest Supervisor; and defines the term “Secretary” as the Secretary of Agriculture.

Section 3. Conveyance to Jefferson County, Montana

Section 3(a) of H.R. 3702 requires that not later than 180 days after enactment, the Secretary shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

Section 3(b) states that the parcel referred to in subsection (a) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the “Elkhorn Cemetery.”

Section 3(c) requires that as a condition of the conveyance, the County shall use the land as a County cemetery and agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery.

Section 3(d) requires that the Secretary grant, in accordance with applicable law, an easement to the County to provide access to the conveyed land.

Section 3(e) is a reversionary clause stating that the conveyed land shall revert to the Secretary, at the election of the Secretary, if the land is used for a purpose or managed by the County in a manner that is inconsistent with Section 3(c).

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.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants 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. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery.

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:

H.R. 3702—Montana Cemetery Act of 2007

H.R. 3702 would direct the Secretary of Agriculture to convey to Jefferson County, Montana, for no consideration, about 10 acres of land in the Beaverhead-Deerlodge National Forest. The land is the site of the Elkhorn Cemetery. CBO estimates that enacting H.R. 3702 would have no significant impact on the federal budget.

Based on the cost of similar conveyances, we estimate that the agency would spend less than \$50,000 in 2009 to complete the proposed conveyance, assuming the availability of appropriated funds. The land to be conveyed under H.R. 3702 is already used by Jefferson County as a cemetery and currently generates no receipts; thus, CBO estimates that enacting the legislation would not affect direct spending or revenues.

H.R. 3702 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.

On May 14, 2008, CBO transmitted a cost estimate for S. 2124, the Montana Cemetery Act of 2008, as ordered reported by the Senate Committee on Energy and Natural Resources on May 7, 2008. The bills are similar, and the estimated costs are identical.

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 PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3702 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.

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.

