

Statement of Scott J. Cameron
Deputy Assistant Secretary for Performance, Accountability, and Human Resources
U.S. Department of the Interior
Subcommittee on Public Lands and Forests
Senate Committee on Energy and Natural Resources
on
S.1552, concerning lands patented to Eastern Washington University
November 2, 2005

Thank you for the opportunity to present the views of the Department of the Interior on S.1552. This bill would amend P.L.97-435 by extending until December 31, 2009, authorization for the Secretary of the Interior to release a reversionary interest contained in the patent of lands conveyed by the United States to Eastern Washington University. S.1552 leaves untouched the provisions in P.L.97-435 that protect the public interest and ensure that any transaction is compatible with the education and recreation purposes of the original patent. We therefore do not object to enactment of S.1552.

In 1961, the Bureau of Land Management issued a patent (#1216646) to Eastern Washington University for 21 acres of land on Badger Lake, Washington, under the authority of the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 et seq.). As is standard in patents issued under the R&PP Act, this patent conveyed a restricted title, including the condition that the lands would revert to the United States if either the University or any successor used the land for other than recreational and educational purposes or attempted to transfer title to the land.

By 1979, the University concluded that the 21 acres were unsuitable for the school's purposes and sought Congressional assistance in exchanging the 21 acres for lands adjacent to the campus. On January 8, 1983, P.L.97-435 was enacted. It provided a five-year period—which expired in January of 1988—during which the University would be allowed to sell or exchange the Badger Lake land for property more suitable to its needs, and directed the Secretary of the Interior to release the reverter provision so the lands could be sold or exchanged.

P.L.97-435 also contained provisions to address the concerns of the Department of the Interior regarding the protection of the public interest (exchange or sale to be at fair market value) and to ensure that any transaction would be as compatible as possible with the intent of the initial R&PP grant (the reversionary interest currently on the land held by the university to be placed on any land either received in exchange or purchased with the proceeds from the sale of the land). Also, as required by P.L.97-435, the University and the Secretary concluded an agreement in 1985 to implement the law.

No sale or exchange of the land occurred during the five year period allowed under P.L. 97-435. S.1552 would provide for a new deadline of December 31, 2009, to provide an opportunity for Eastern Washington University to locate land suitable for its needs.

I would be glad to answer any questions.