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REPORT
107–673

DIRECTING THE SECRETARY OF ENERGY TO CONVEY A PARCEL OF LAND AT THE FACILITY OF THE SOUTHWESTERN POWER ADMINISTRATION IN TUPELO, OKLAHOMA

SEPTEMBER 24, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 5109]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 5109) to direct the Secretary of Energy to convey a parcel of land at the facility of the Southwestern Power Administration in Tupelo, Oklahoma, 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. LAND CONVEYANCE, TUPELO, OKLAHOMA.

(a) CONVEYANCE REQUIRED.—Except as required by subsection (d), the Secretary of Energy shall convey, at fair market value, to Rural Enterprises of Oklahoma, Incorporated, all right, title, and interest of the United States in and to a parcel of land, and any improvements thereto, consisting of approximately 6.3 acres of the facility of the Southwestern Power Administration in Tupelo, Oklahoma, for use in economic development within the service area of the Tri-County Indian Nations Community Development Corporation.

(b) DESCRIPTION OF PARCEL.—The exact acreage and description of the parcel to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary and to Rural Enterprises of Oklahoma, Incorporated.

(c) CONDITIONS OF CONVEYANCE.—As conditions of the conveyance under subsection (a), the Secretary shall require that Rural Enterprises of Oklahoma, Incorporated—

(1) agree to honor the terms of any lease of the parcel or portion thereof that is in existence on the date of the conveyance; and

(2) agree to bear the costs of the conveyance, including the cost of the survey required by subsection (b) and the appraisal required by subsection (f).

(d) EASEMENT.—Under the terms of the conveyance of the parcel under subsection (a), the Secretary shall retain an easement to the parcel for the purpose of maintaining a sewage connection to the electrical substation and lagoon facility located adjacent to the parcel. Such easement shall include telephone and telegraph rights.

(e) UNDEPRECIATED VALUE.—The Southwestern Power Administration is authorized to remove the undepreciated value of the facilities conveyed under subsection (a) from its repayable investment obligation.

(f) VALUATION OF LAND TO BE CONVEYED.—The fair market value of the land to be conveyed under subsection (a) shall be determined by an appraisal acceptable to the Secretary that is conducted by an appraiser agreed upon by the Secretary and Rural Enterprises of Oklahoma, Incorporated, and conducted in accordance with—

(1) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601; Public Law 91–646);

(2) the Uniform Appraisal Standards for Federal Land Acquisition; and

(3) the Uniform Standards of Professional Appraisal Practice.

PURPOSE OF THE BILL

The purpose of H.R. 5109 is to direct the Secretary of Energy to convey a parcel of land at the facility of the Southwestern Power Administration in Tupelo, Oklahoma.

BACKGROUND AND NEED FOR LEGISLATION

Tupelo is a small rural community in Coal County, Oklahoma, one of the poorest counties in the State. The site and the buildings to be transferred in the bill are unique to the area and are not likely marketable at reconstruction value.

The parcel of land to be conveyed is about 6.3 acres and includes three buildings on the site: an office building (5,520 sq. ft.), an open-ended garage (2,160 sq. ft.), and a storage building (288 sq. ft.). The Southwestern Power Administration is currently not using the property because its maintenance operations were consolidated with another facility at Gore, Oklahoma. Currently, the property is being temporarily leased to the Tri County Nations Enterprise Community. Rural Enterprises of Oklahoma plans to utilize the land and facilities to be transferred for incubator businesses. A preliminary appraisal of the property was completed in 1996 based on market value. The appraisal indicated a value of approximately $57,200.

COMMITTEE ACTION

H.R. 5109 was introduced on July 11, 2002, by Congressman Wes W. Watkins (R–OK). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On September 12, 2002, the Full Resources Committee met to mark up the bill. The Subcommittee on Water and Power was discharged from further consideration of the bill by unanimous consent. Congressman Ken Calvert (R–CA) offered an amendment to require fair market value be paid for the land and the facilities to be conveyed. The amendment also added at the end of the bill new subsections entitled "Undepreciated Value" and "Valuation of Land To Be Conveyed." The amendment was agreed to by unanimous consent. No further amendments were offered and 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 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 tax expenditures. According to the Congressional Budget Office, enactment of this bill would result in approximately $65,000 in revenue to the federal government in 2003.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 23, 2002.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5109, a bill to direct the Secretary of Energy to convey a parcel of land at the facility of the Southwestern Power Administration in Tupelo, Oklahoma.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 5109—A bill to direct the Secretary of Energy to convey a parcel of land at the facility of the Southwestern Power Administration in Tupelo, Oklahoma

H.R. 5109 would direct the Secretary of Energy to convey approximately 6.3 acres of property in Tupelo, Oklahoma, to the Rural Enterprises of Oklahoma. As a condition of the conveyance, Rural Enterprises would be required to pay the fair market value

of the property, as well as the costs of conveyance and appraisal. The property is administered by the Southwestern Power Administration (SWPA). The agency no longer uses the facility and plans to refer it to the General Services Administration for disposal.

CBO estimates that enacting H.R. 5109 would have no significant effect on the federal budget. Based on information from SWPA, CBO estimates that the government would receive about $65,000 from the sale of the property. According to SWPA, the transfer of the title to the property would take place by the end of fiscal year 2003. Because enacting H.R. 5109 would affect offsetting receipts (a form of direct spending), pay-as-you-go procedures would apply, but CBO estimates that the impact on direct spending would be negligible.

H.R. 5109 contains no intergovernmental or new 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 Lisa Cash Driskill. 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.

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