

BEND PINE NURSERY LAND CONVEYANCE ACT

OCTOBER 5, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany S. 1936]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 1936) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System 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 “Bend Pine Nursery Land Conveyance Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

- (1) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.
- (2) STATE.—The term “State” means the State of Oregon.

**SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.**

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System land and improvements:

(1) Tract A, Bend Pine Nursery, comprising approximately 210 acres, as depicted on site plan map entitled “Bend Pine Nursery Administrative Site, May 13, 1999”.

(2) Tract B, the Federal Government owned structures located at Shelter Cove Resort, Deschutes National Forest, buildings only, as depicted on site plan map entitled “Shelter Cove Resort, November 3, 1997”.

(3) Tract C, portions of isolated parcels of National Forest Land located in Township 20 south, Range 10 East section 25 and Township 20 South, Range 11 East sections 8, 9, 16, 17, 20, and 21 consisting of approximately 1,260 acres, as depicted on map entitled “Deschutes National Forest Isolated Parcels, January 1, 2000”.

(4) Tract D, Alsea Administrative Site, consisting of approximately 24 acres, as depicted on site plan map entitled "Alsea Administrative Site, May 14, 1999".

(5) Tract F, Springdale Administrative Site, consisting of approximately 3.6 acres, as depicted on site plan map entitled "Site Development Plan, Columbia Gorge Ranger Station, April 22, 1964".

(6) Tract G, Dale Administrative Site, consisting of approximately 37 acres, as depicted on site plan map entitled "Dale Compound, February 1999".

(7) Tract H, Crescent Butte Site, consisting of approximately .8 acres, as depicted on site plan map entitled "Crescent Butte Communication Site, January 1, 2000".

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this Act, any sale or exchange of National Forest System land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).

(e) SOLICITATIONS OF OFFERS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary may solicit offers for sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(3) RIGHT OF FIRST REFUSAL.—The Bend Metro Park and Recreation District in Deschutes County, Oregon, shall be given the right of first refusal to purchase the Bend Pine Nursery described in subsection (a)(1).

(f) REVOCATIONS.—

(1) IN GENERAL.—Any public land order withdrawing land described in subsection (a) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(2) EFFECTIVE DATE.—The effective date of any revocation under paragraph (1) shall be the date of the patent or deed conveying the land.

#### SEC. 4. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under section 3(a) in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative and visitor facilities and associated land in connection with the Deschutes National Forest;

(2) the construction of a bunkhouse facility in the Umatilla National Forest; and

(3) to the extent the funds are not necessary to carry out paragraphs (1) and (2), the acquisition of land and interests in land in the State.

(c) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall manage any land acquired by purchase or exchange under this Act in accordance with the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the "Weeks Act") and other laws (including regulations) pertaining to the National Forest System.

#### SEC. 5. CONSTRUCTION OF NEW ADMINISTRATIVE FACILITIES.

The Secretary may acquire, construct, or improve administrative facilities and associated land in connection with the Deschutes National Forest System by using—

(1) funds made available under section 4(b); and

(2) to the extent the funds are insufficient to carry out the acquisition, construction, or improvement, funds subsequently made available for the acquisition, construction, or improvement.

#### SEC. 6. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

## PURPOSE OF THE BILL

The purpose of S. 1936 is to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

## BACKGROUND AND NEED FOR LEGISLATION

According to the U.S. Forest Service, some properties on several National Forests located in the State of Oregon, including the Bend Pine Nursery, currently generate no significant receipts and it would like to sell or exchange them for others in that State.

S. 1936 would authorize the Secretary of Agriculture to sell or exchange specified National Forest System land and improvements in Oregon, require the proceeds to be deposited in the fund established under the Sisk Act (Public Law 90-171), and allow these proceeds to be used to acquisition, construction, or improvement of administrative and visitor facilities and associated land in connection with the Deschutes National Forest, the construction of a bunkhouse facility in the Umatilla National Forest, and finally for acquisition of land in the State of Oregon. The bill also authorizes necessary appropriations to carry out the bill.

The Bend Metro Park and Recreation District has been actively pursuing the purchase of the Bend Pine Nursery for development of a sports complex, playing fields, or other public purposes, and is given the first right of refusal to purchase of the land from the Forest Service through S. 1936.

The House companion measure for the bill is H.R. 4774, introduced by Congressman Greg Walden.

For additional information, see Senate Report 106-256.

## COMMITTEE ACTION

S. 1936 was introduced on November 16, 1999, by Senator Ron Wyden (D-OR). The Senate passed the bill with amendments on July 27, 2000, by unanimous consent. In the House of Representatives, the bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On September 20, 2000, the Full Resources Committee met to consider the bill. The Subcommittee on Forests and Forest Health was discharged by unanimous consent from further consideration of the bill. Congressman Greg Walden (R-OR) offered an amendment in the nature of a substitute that would remove the Mapleton property from the list of property which could be sold or exchanged under the bill. The amendment passed by voice vote. The bill, as amended, 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 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, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill would affect direct spending (including offsetting receipts).

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

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, October 2, 2000.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1936, the Bend Pine Nursery Land Conveyance Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

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

Enclosure.

*S. 1936—Bend Pine Nursery Land Conveyance Act*

Summary: CBO estimates that implementing S. 1936 would reduce direct spending by \$2 million in 2002 and increase it by the same amount in 2003. Because the legislation would affect direct spending (including offsetting receipts), pay-as-you-go procedures would apply. S. 1936 also would result in a savings of \$1 million

a year in discretionary spending starting in 2004. S. 1936 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any expenditures by state or local governments to purchase forest system land, as authorized by this legislation, would be voluntary.

S. 1936 would authorize the Secretary of Agriculture to sell or exchange certain lands and facilities located on several national forests in Oregon. S. 1936 would authorize the Secretary to spend, without further appropriation, proceeds from the sale of these properties to construct a new administrative facility and a new bunkhouse. If receipts are insufficient to cover the costs of constructing the new facilities, S. 1936 would authorize the appropriation of sums necessary to complete the projects.

Estimated cost to the Federal Government: For this estimate, we assume that S. 1936 will be enacted early in fiscal year 2001. The estimated budgetary impact of S. 1936 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2001	2002	2003	2004	2005
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level .....	0	0	0	-1	-1
Estimated Outlays .....	0	0	0	-1	-1
CHANGES IN DIRECT SPENDING					
Estimated Budget Authority .....	0	0	0	0	0
Estimated Outlays.					
Receipts from land sales .....	0	-3	-2	0	0
Spending of sales receipts .....	0	1	4	0	0
Net Change in outlays .....	0	-2	2	0	0

Basis of estimate: Based on information from the Forest Service, CBO estimates that S. 1936 would increase both offsetting receipts and direct spending by as much as \$5 million over the 2002–2003 period. We also estimate that implementing the legislation would yield discretionary savings of \$1 million a year starting in 2004.

#### *Direct spending*

S. 1936 would authorize the Secretary of Agriculture sell certain parcels of land in the Deschutes National Forest in Oregon. According to the Forest Service, the parcels to be sold currently generate no significant receipts, and the agency does not expect them to generate significant receipts over the next 10 years. Based on information from the Forest Service about the estimated value of the parcels, we estimate that selling them would increase offsetting receipts by \$3 million in 2002 and \$2 million in 2003.

The legislation would authorize the Secretary to retain and spend, without further appropriation, any proceeds generated from the sale of those properties to construct a new administrative facility and a new bunkhouse. Based on information from the Forest Service, we estimate that constructing the new buildings would cost \$1 million in 2002 and \$4 million in 2003.

*Spending subject to appropriation*

Implementing S. 1936 also would affect discretionary spending. Under current law, the Forest Service spends about \$1 million each year to rent the administrative site currently used for the Deschutes National Forest. Assuming that increased receipts are sufficient to cover the costs of constructing the new administrative facility authorized by S. 1936 and that the facility is complete by the end of fiscal year 2003, implementing this legislation could reduce the need for future appropriations and reduce discretionary spending by \$1 million annually starting in 2004.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Because enacting S. 1936 would increase both offsetting receipts and direct spending, pay-as-you-go procedures would apply. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted.

	By fiscal year, in millions of dollars—									
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Changes in outlays .....	0	-2	2	0	0	0	0	0	0	0
Changes in receipts .....	Not applicable									

Intergovernmental and private-sector impact: S. 1936 contains no intergovernmental or private-sector mandates as defined in UMR. Any expenditures by state or local governments to purchase forest system land, as authorized by this legislation, would be voluntary.

Previous CBO estimate: On March 30, 2000, CBO transmitted a cost estimate for S. 1936 as ordered reported by the Senate Committee on Energy and Natural Resources on February 23, 2000. The Senate version of this legislation would authorize the Forest Service to sell an additional parcel of land, and our estimate of the increase in offsetting receipts and direct spending that would result under that version is \$1 million higher.

Estimate prepared by: Federal Costs: Megan Carroll. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Lauren Marks.

Estimate 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.

## COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES,  
*Washington, DC, October 4, 2000.*

Hon. LARRY COMBEST,  
*Chairman, Committee on Agriculture, Longworth House Office  
Building, Washington, DC*

DEAR MR. CHAIRMAN: On September 20, 2000, the Committee on Resources ordered favorably reported with amendment S. 1936, the Bend Pine Nursery Land Conveyance Act. The bill would authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes. The bill was referred to the Committee on Resources, but I believe that the Committee on Agriculture has a jurisdictional interest in the bill. Because of the great interest of Congressman Greg Walden, I would like to schedule S. 1936 for consideration by the House of Representatives before we adjourn in the next few days and ask if you would forego seeking a sequential referral of the bill.

I recognize that this action would not be considered as precedent for any future referrals of similar measures or seen as affecting your Committee's jurisdiction over the subject matter of the bill. Moreover, if the bill is conferenced with the Senate, I would support naming Agriculture Committee members to the conference committee. I would also be pleased to include this letter and your response in the Committee bill report on the bill.

Thank you again for your consideration of my request. I have greatly appreciated your extensive cooperation and that of your staff during my years as Chairman of the Resources Committee, and I look forward to our continued work together in the 107th Congress.

Sincerely,

DON YOUNG,  
*Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON AGRICULTURE,  
*Washington, DC, October 4, 2000.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources, Longworth House Office Building, Washington, DC*

DEAR MR. CHAIRMAN: Thank you for forwarding a draft copy of the Committee report to accompany S. 1936, a bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes, as ordered reported by your Committee on September 20, 2000.

Under clause 1(a) of Rule X, the Committee on Agriculture has jurisdiction over bills relating to forestry in general and forest reserves other than those created from the public domain. In exercising this jurisdiction, the Committee on Agriculture has worked

cooperatively in the past with your Committee regarding general matters relating to forestry.

Aware of your interest in expediting this legislation, the Committee on Agriculture will agree to waive jurisdiction and will not seek a sequential referral in order to speed its timely consideration in the House. In doing so, the Committee on Agriculture does not waive any future jurisdiction claim over this or similar measures, and reserves the right to seek appropriate representation in the event the measure should go to conference.

Once again, I am grateful for the cooperative spirit in which you have worked regarding this matter and others between our respective committee.

Sincerely,

LARRY COMBEST,  
*Chairman.*

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