

# Calendar No. 486

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1936

[Report No. 106-256]

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.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 1999

Mr. WYDEN (for himself and Mr. SMITH of Oregon) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

APRIL 6, 2000

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## 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.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bend Pine Nursery  
3 Land Conveyance Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **SECRETARY.**—The term “Secretary” means  
7 the Secretary of Agriculture.

8 (2) **STATE.**—The term “State” means the State  
9 of Oregon.

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

11 (a) **IN GENERAL.**—The Secretary may, under such  
12 terms and conditions as the Secretary may prescribe, sell  
13 or exchange any or all right, title, and interest of the  
14 United States in and to the following National Forest Sys-  
15 tem land and improvements:

16 (1) Bend Pine Nursery, comprising approxi-  
17 mately 210 acres, as depicted on site plan map enti-  
18 tled “Bend Pine Nursery Administrative Site”,  
19 dated May 13, 1999.

20 (2) The Federal Government-owned facilities at  
21 Shelter Cove Resort, as depicted on site plan map  
22 entitled “Shelter Cove Resort”, dated November 3,  
23 1997.

24 (3) Isolated parcels of National Forest System  
25 land located in sec. 25, T. 20 S., R. 10 E., and secs.  
26 16, 17, 20, and 21, T. 20 S., R. 11 E., Willamette

1 Meridian, as depicted on the map entitled “Isolated  
2 Parcels, Deschutes National Forest”, dated 1988.

3 (4) Alsea Administrative Site, consisting of ap-  
4 proximately 24 acres, as depicted on site plan map  
5 entitled “Alsea Administrative Site”, dated May 14,  
6 1999.

7 (5) Mapleton Administrative Site, consisting of  
8 approximately 8 acres, as depicted on site plan map  
9 entitled “Mapleton Administrative Site”, dated May  
10 14, 1999.

11 (6) Springdale Administrative Site, consisting  
12 of approximately 3.6 acres, as depicted on site plan  
13 map entitled “Site Development Plan, Columbia  
14 Gorge Ranger Station”, dated April 22, 1964.

15 (7) Dale Administrative Site, consisting of ap-  
16 proximately 40 acres, as depicted on site plan map  
17 entitled “Dale Administrative Site”, dated July 7,  
18 1999.

19 (b) CONSIDERATION.—Consideration for a sale or ex-  
20 change of land under subsection (a) may include the ac-  
21 quisition of land, existing improvements, or improvements  
22 constructed to the specifications of the Secretary.

23 (c) APPLICABLE LAW.—Except as otherwise provided  
24 in this Act, any sale or exchange of National Forest Sys-  
25 tem land under subsection (a) shall be subject to the laws

1 (including regulations) applicable to the conveyance and  
2 acquisition of land for the National Forest System.

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

7 (e) SOLICITATIONS OF OFFERS.—

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

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

16 (3) RIGHT OF FIRST REFUSAL.—The Bend  
17 Metro Parks and Recreation District or other units  
18 of local government in Deschutes County, Oregon,  
19 shall be given the right of first refusal to purchase  
20 the Bend Pine Nursery described in subsection  
21 (a)(1).

22 (f) REVOCATIONS.—

23 (1) IN GENERAL.—Any public land order with-  
24 drawing land described in subsection (a) from all  
25 forms of appropriation under the public land laws is

1       revoked with respect to any portion of the land con-  
2       veyed by the Secretary under this section.

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

6   **SEC. 4. DISPOSITION OF FUNDS.**

7       ~~(a) DEPOSIT OF PROCEEDS.~~—The Secretary shall de-  
8       posit the proceeds of a sale or exchange under section ~~3(a)~~  
9       in the fund established under Public Law ~~90-171~~ (16  
10      U.S.C. 484a) (commonly known as the “Sisk Act”).

11      ~~(b) USE OF PROCEEDS.~~—Funds deposited under sub-  
12      section ~~(a)~~ shall be available to the Secretary, without fur-  
13      ther Act of appropriation, for—

14           ~~(1)~~ the acquisition, construction, or improve-  
15      ment of administrative facilities and associated land  
16      in connection with the Deschutes National Forest;  
17      and

18           ~~(2)~~ to the extent the funds are not necessary to  
19      carry out paragraph ~~(1)~~, the acquisition of land and  
20      interests in land in the State.

21      ~~(c) ADMINISTRATION.~~—Subject to valid existing  
22      rights, the Secretary shall manage any land acquired by  
23      purchase or exchange under this Act in accordance with  
24      the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (com-

1 monly known as the “Weeks Act”) and other laws (includ-  
 2 ing regulations) pertaining to the National Forest System.

3 **SEC. 5. CONSTRUCTION OF NEW ADMINISTRATIVE FACILI-**  
 4 **TIES.**

5 The Secretary may acquire, construct, or improve ad-  
 6 ministrative facilities and associated land in connection  
 7 with the Deschutes National Forest System by using—

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

10 (2) to the extent the funds are insufficient to  
 11 carry out the acquisition, construction, or improve-  
 12 ment, funds subsequently made available for the ac-  
 13 quisition, construction, or improvement.

14 **SEC. 6. AUTHORIZATION OF APPROPRIATION.**

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

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Bend Pine Nursery*  
 19 *Land Conveyance Act”.*

20 **SEC. 2. DEFINITIONS.**

21 *In this Act:*

22 (1) *SECRETARY.*—*The term “Secretary” means*  
 23 *the Secretary of Agriculture.*

24 (2) *STATE.*—*The term “State” means the State*  
 25 *of Oregon.*

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

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

7           (1) *Tract A, Bend Pine Nursery, comprising ap-*  
8 *proximately 210 acres, as depicted on site plan map*  
9 *entitled “Bend Pine Nursery Administrative Site,*  
10 *May 13, 1999”.*

11           (2) *Tract B, the Federal Government owned*  
12 *structures located at Shelter Cove Resort, Deschutes*  
13 *National Forest, buildings only, as depicted on site*  
14 *plan map entitled “Shelter Cove Resort, November 3,*  
15 *1997”.*

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

23           (4) *Tract D, Alsea Administrative Site, con-*  
24 *sisting of approximately 24 acres, as depicted on site*  
25 *plan map entitled “Alsea Administrative Site, May*  
26 *14, 1999”.*

1           (5) *Tract E, Mapleton Administrative Site, con-*  
2           *sisting of approximately 8 acres, as depicted on site*  
3           *plan map entitled “Mapleton Administrative Site,*  
4           *May 14, 1999”.*

5           (6) *Tract F, Springdale Administrative Site,*  
6           *consisting of approximately 3.6 acres, as depicted on*  
7           *site plan map entitled “Site Development Plan, Co-*  
8           *lumbia Gorge Ranger Station, April 22, 1964”.*

9           (7) *Tract G, Dale Administrative Site, con-*  
10          *sisting of approximately 37 acres, as depicted on site*  
11          *plan map entitled “Dale Compound, February 1999”.*

12          (8) *Tract H, Crescent Butte Site, consisting of*  
13          *approximately .8 acres, as depicted on site plan map*  
14          *entitled “Crescent Butte Communication Site, Janu-*  
15          *ary 1, 2000”.*

16          (b) *CONSIDERATION.*—*Consideration for a sale or ex-*  
17          *change of land under subsection (a) may include the acqui-*  
18          *sition of land, existing improvements, or improvements con-*  
19          *structed to the specifications of the Secretary.*

20          (c) *APPLICABLE LAW.*—*Except as otherwise provided*  
21          *in this Act, any sale or exchange of National Forest System*  
22          *land under subsection (a) shall be subject to the laws (in-*  
23          *cluding regulations) applicable to the conveyance and ac-*  
24          *quisition of land for the National Forest System.*

1       (d) *CASH EQUALIZATION.*—Notwithstanding any other  
2 *provision of law, the Secretary may accept a cash equali-*  
3 *zation payment in excess of 25 percent of the value of land*  
4 *exchanged under subsection (a).*

5       (e) *SOLICITATIONS OF OFFERS.*—

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

10          (2) *REJECTION OF OFFERS.*—The Secretary may  
11 *reject any offer made under this section if the Sec-*  
12 *retary determines that the offer is not adequate or not*  
13 *in the public interest.*

14          (3) *RIGHT OF FIRST REFUSAL.*—The Bend Metro  
15 *Park and Recreation District in Deschutes County,*  
16 *Oregon, shall be given the right of first refusal to pur-*  
17 *chase the Bend Pine Nursery described in subsection*  
18 *(a)(1).*

19       (f) *REVOCATIONS.*—

20           (1) *IN GENERAL.*—Any public land order with-  
21 *drawing land described in subsection (a) from all*  
22 *forms of appropriation under the public land laws is*  
23 *revoked with respect to any portion of the land con-*  
24 *veyed by the Secretary under this section.*

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

4 **SEC. 4. DISPOSITION OF FUNDS.**

5           (a) *DEPOSIT OF PROCEEDS.*—*The Secretary shall de-*  
6           *posit the proceeds of a sale or exchange under section 3(a)*  
7           *in the fund established under Public Law 90–171 (16*  
8           *U.S.C. 484a) (commonly known as the “Sisk Act”).*

9           (b) *USE OF PROCEEDS.*—*Funds deposited under sub-*  
10          *section (a) shall be available to the Secretary, without fur-*  
11          *ther Act of appropriation, for—*

12                 (1) *the acquisition, construction, or improvement*  
13                 *of administrative and visitor facilities and associated*  
14                 *land in connection with the Deschutes National For-*  
15                 *est;*

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

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

21           (c) *ADMINISTRATION.*—*Subject to valid existing rights,*  
22           *the Secretary shall manage any land acquired by purchase*  
23           *or exchange under this Act in accordance with the Act of*  
24           *March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known*

1 *as the “Weeks Act”) and other laws (including regulations)*  
2 *pertaining to the National Forest System.*

3 **SEC. 5. CONSTRUCTION OF NEW ADMINISTRATIVE FACILI-**  
4 **TIES.**

5 *The Secretary may acquire, construct, or improve ad-*  
6 *ministrative facilities and associated land in connection*  
7 *with the Deschutes National Forest System by using—*

- 8 *(1) funds made available under section 4(b); and*  
9 *(2) to the extent the funds are insufficient to*  
10 *carry out the acquisition, construction, or improve-*  
11 *ment, funds subsequently made available for the ac-*  
12 *quisition, construction, or improvement.*

13 **SEC. 6. AUTHORIZATION OF APPROPRIATION.**

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

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APRIL 6, 2000

Reported with an amendment