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SENATE

{ REPORT  
{ 105-233

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NATIONAL FOREST LANDS IN ARIZONA

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JULY 2, 1998.—Ordered to be printed

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Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

**REPORT**

[To accompany S. 1752]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1752) to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. DEFINITIONS.**

In this Act, the term "Secretary" means the Secretary of Agriculture.

**SEC. 2. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.**

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

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled "Camp Verde Administrative Site", dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled "Cave Creek Administrative Site", dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres and the Fredonia Housing Site, comprising approximately 1.58 acres, as de-

icted on the map entitled "Fredonia Duplex Dwelling, Fredonia Ranger Dwelling", dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled "Groom Creek Administrative Site", dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled "Payson Administrative Site", dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled "Sedona Administrative Site", dated April 12, 1997.

(b) EXCHANGE ACQUISITIONS.—The Secretary may acquire land and existing or future administrative improvements in exchange for a conveyance of an administrative site under subsection (a).

(c) APPLICABLE AUTHORITIES.—A sale or exchange of an administrative site shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for National Forest System purposes.

(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 an administrative site in an exchange under subsection (a).

(e) SOLICITATIONS OF OFFERS.—In carrying out this Act, the Secretary may—

(1) use solicitations of offers for sale or exchange on such terms and conditions as the Secretary may prescribe; and

(2) reject any offer if the Secretary determines that the offer is not adequate or not in the public interest.

### SEC. 3. DISPOSITION OF FUNDS.

The proceeds of a sale or exchange under section 2 shall be deposited in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the "Sisk Act") and shall be available for expenditure, until expended, for—

(1) the acquisition of land and interests in land for administrative sites; and

(2) the acquisition, construction, or improvement of offices and new or other administrative buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest.

### SEC. 4. REVOCATIONS.

(a) PUBLIC LAND ORDERS.—Notwithstanding any other provision of law, to facilitate the sale or exchange of the administrative sites, public land orders withdrawing the administrative sites from all forms of appropriation under the public land laws are revoked for any portion of the administrative sites conveyed by the Secretary.

(b) EFFECTIVE DATE.—The effective date of a revocation made by this section shall be the date of the patent or deed conveying the administrative site.

## PURPOSE

S. 1752, as ordered reported, would authorize the Secretary of Agriculture to sell or exchange approximately 558 acres of administrative sites on National Forests in Arizona and to acquire other administrative sites through purchase or exchange.

## BACKGROUND AND NEED

The Forest Service is interested in exchanging or selling sites parcels of land on the Prescott, Tonto, Kaibab, and Coconino National Forests in Arizona. These sites are no longer needed for agency or public purposes. If the parcels are sold, the Forest Service wants to use the proceeds from five of these sales to either fund new construction or upgrade current administrative facilities on these national forests. Funds generated from the sale of the sixth parcel could be used to acquire new sites, or construct new administrative facilities at any national forest in Arizona.

S. 1752 would enhance customer and administrative services by allowing the Forest Service to consolidate and update facilities and/or move facilities to more convenient locations. For example, the Forest Service wants to upgrade its facility in Payson, Arizona, and

move it to a better location. In addition, the Forest Service is considering co-locating three administrative sites, currently at Sedona, Camp Verde, and Beaver Creek, to a new site in the Verde Valley. Co-location of these sites in a more accessible place will enhance customer service in an area which has a very high level of tourism and recreation use. S. 1752 would improve services for national forest users in Arizona and facilitate the disposal of unmanageable and excess parcels of national forest lands.

#### LEGISLATIVE HISTORY

S. 1752 was introduced on March 12, 1998 by Senator Kyl. The Subcommittee on Forests and Public Land Management held a hearing on S. 1752 on March 25, 1998. At the business meeting on May 13, 1998, the Committee on Energy and Natural Resources ordered S. 1752, as amended, favorably reported.

#### COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 13, 1998, by unanimous vote of a quorum present recommends that the Senate pass S. 1752, if amended as described herein.

The rollcall vote on reporting the measure was 20 yeas, no nays as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Domenici	
Mr. Nickles <sup>1</sup>	
Mr. Craig	
Mr. Campbell	
Mr. Thomas	
Mr. Kyl	
Mr. Grams <sup>1</sup>	
Mr. Smith	
Mr. Gorton	
Mr. Burns <sup>1</sup>	
Mr. Bumpers	
Mr. Ford	
Mr. Bingaman	
Mr. Akaka	
Mr. Dorgan <sup>1</sup>	
Mr. Graham <sup>1</sup>	
Mr. Wyden	
Mr. Johnson	
Ms. Landrieu	

<sup>1</sup>Indicates vote by proxy.

#### COMMITTEE AMENDMENT

During consideration of S. 1752, the Committee adopted an amendment in the nature of a substitute offered by Senator Kyl. The amendment makes a number of technical corrections. It provides a more precise description of the Payson Administrative Site and clarifies the use of funds received from a sale or exchange. The terms of revocations were also clarified. The amendment also speci-

fies that normal contract bidding procedures will be used for solicitations.

#### SECTION-BY-SECTION ANALYSIS

Section 1 contains definitions.

Section 2(a) prescribes that the Secretary may sell or exchange any or all right, title, and interest of the United States in and to the National Forest System administrative sites described in Paragraphs (1) through (6) subject to the provisions of in subsection (c).

Paragraphs (1) through (6) identify the administrative sites.

Subsection (b) states that the Secretary may acquire land and existing or future administrative improvements in exchange for a conveyance of an administrative site identified subsection (a).

Subsection (c) requires that the sale or exchange of an administrative site shall be subject to the applicable laws.

Subsection (d) allows the Secretary to accept a cash equalization payment in excess of 25 percent of the value of an administrative site in an exchange under subsection (a), notwithstanding any other provision of law.

Subsection (e)(1) allows the Secretary to use solicitations of offers for sale or exchange on such terms and conditions as the Secretary may prescribe.

Paragraph (2) provides that the Secretary may reject any offer determined to not be adequate or not in the public interest.

Section 3 states that the proceeds of a sale or exchange under Section 2 shall be deposited in the fund established under the Sisk Act and shall be available for expenditure until expended for: the acquisition of land and interests in land for administrative sites; and the acquisition, construction, or improvement of offices and new or other administrative buildings.

Section 4(a) revokes public land orders withdrawing administrative sites from all forms of appropriation for any portion of the administrative sites conveyed by the Secretary, notwithstanding any other provision of law.

Subsection (b) provides an effective date.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 8, 1998.*

Hon. FRANK H. MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1752, a bill to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the state of Arizona.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*S. 1752—A bill to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the state of Arizona*

Summary: S. 1752 would authorize the Secretary of Agriculture to sell or exchange about 558 acres of administrative sites in the National Forest System and to acquire other administrative facilities through purchase or exchange.

CBO estimates that enacting S. 1752 would result in outlay savings of \$4 million in 1999 and about \$11 million over the 1999–2003 period but would have no net effect on federal spending over the 1999–2003 period. Because enacting the bill would affect direct spending, pay-as-you-go procedures would apply. S. 1752 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1752 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003
CHANGES IN DIRECT SPENDING						
Estimated budget authority .....	0	0	0	0	0	0
Estimated outlays .....	0	-4	-1	1	3	1

Basis of estimate: S. 1752 would authorize the Secretary of Agriculture to sell or exchange about 558 acres in several national forests in Arizona that are currently used as administrative sites. The bill would authorize the Secretary either to accept cash equalization payments that exceed 25 percent of the value of the sites or to acquire existing or future administrative facilities and improvements in exchange for the sites. Any proceeds from sale or exchange of the sites would be available for the construction or improvement of offices or other administrative buildings for four national forests in Arizona: Coconino, Kaibab, Prescott, and Tonto.

Based on information from the Forest Service, CBO estimates that enacting the bill would result in additional offsetting receipts from sale of the federal administrative sites of about \$11 million over the 1999–2003 period. CBO estimates that the Forest Service would spend, without further appropriation, any receipts from a sale of the site to construct or improve other facilities on federal

land. Therefore, we estimate that there would be no net effect on direct spending over the 1999–2003 period.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Under the Balanced Budget Act of 1997, proceeds from nonroutine asset sales may be counted for purposes of pay-as-you-go scorekeeping only if such sales would entail no net financial cost to the government. Selling these Forest Service administrative sites would not entail a net financial cost; therefore, the proceeds would be counted for pay-as-you-go purposes.

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 current year, the budget year, and the succeeding four years are counted.

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Changes in outlays .....	0	-4	-1	1	3	1	0	0	0	0	0
Changes in receipts .....						Not applicable					

Intergovernmental and private-sector impact: S. 1752 contains no intergovernmental or private-sector mandates as defined in the UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Estimate prepared by: Victoria V. Heid.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1807.

The bill is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 1752.

#### EXECUTIVE COMMUNICATIONS

Legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth Executive agency recommendations on S. 1752 were unavailable at the time the report on S. 1752 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service at the Subcommittee hearing follows:

STATEMENT OF ELEANOR TOWNS, FOREST SERVICE,  
DEPARTMENT OF AGRICULTURE

Mr. Chairman, and Members of the Subcommittee, thank you for the opportunity to present the Administration testimony.

*S. 1752. Convey certain administrative sites and use the proceeds for acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino, Kaibab, Prescott and Tonto National Forests in the State of Arizona.*

S. 1752 would provide for the conveyance of a total of six administrative sites, on four National Forests in Arizona. The fair market compensation received through sale or exchange transactions is authorized to be used for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for National Forests in Arizona consistent with all applicable laws.

Several Administrative sites in the State of Arizona no longer provide effective public services. District offices that were once on the perimeter of communities are now in the middle of residential or commercial districts, not easily located by visitors. Other units have identified a need to collocated services and improve efficiencies. Our analysis indicates that six sites in the state of Arizona totaling approximately 560 acres could be effectively used in the private sector.

S. 1752 would allow the Forest Service to offer sites and existing improvements to the private sector in equal value exchange for replacement or improved facilities. These isolated parcels would be returned to private use and operations and costs could be streamlined.

Mr. Chairman, we support this legislation without amendment. We want to recognize and express our appreciation to Senator Kyl and his staff who have worked with the local communities and National Forests to develop this legislation.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1752, as ordered reported.