

AMENDING THE BEND PINE NURSERY LAND CONVEYANCE ACT TO SPECIFY THE RECIPIENTS AND CONSIDERATION FOR CONVEYANCE OF THE BEND PINE NURSERY, AND FOR OTHER PURPOSES

MAY 17, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3505]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3505) to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other 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. MODIFICATION OF BEND PINE NURSERY LAND CONVEYANCE.

(a) DESIGNATION OF RECIPIENTS AND CONSIDERATION.—Section 3 of the Bend Pine Nursery Land Conveyance Act (Public Law 106-526; 114 Stat. 2512) is amended—

(1) in subsection (a), by striking paragraph (1) and redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively;

(2) in subsection (e)—

(A) by striking “this section” both places it appears and inserting “subsection (a)”;

(B) in paragraph (1), by striking “Subject to paragraph (3), the” and inserting “The”; and

(C) by striking paragraph (3); and

(3) by adding at the end the following new subsections:

“(g) CONVEYANCE OF BEND PINE NURSERY.—

“(1) CONVEYANCE TO PARK AND RECREATION DISTRICT.—Upon receipt of consideration in the amount of \$3,505,676 from the Bend Metro Park and Recreation District in Deschutes County, Oregon, the Secretary shall convey to the Bend Metro Park and Recreation District all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 185 acres and containing the Bend Pine Nursery, as depicted on the site plan map entitled ‘Bend Pine Nursery Administrative Site, May 13, 1999’.

“(2) USE OF CONVEYED PROPERTY.—Subject to subsection (h), the real property conveyed to the Bend Metro Park and Recreation District under paragraph (1) shall be used only for recreation purposes and may be developed for those purposes. If the Secretary determines that the real property subject to this condi-

tion is converted, in whole or in part, to non-recreational use, the Secretary shall require the Bend Metro Park and Recreation District to pay to the United States an amount equal to the fair market value of the property at the time of conversion, less the consideration paid under this paragraph.

“(h) RECONVEYANCE OF PORTION OF BEND PINE NURSERY.—

“(1) CONVEYANCE TO SCHOOL DISTRICT.—As soon as practicable after the receipt by the Bend Metro Park and Recreation District of the real property described in subsection (g)(1), the Bend Metro Park and Recreation District shall convey to the Administrative School District No. 1, Deschutes County, Oregon, without consideration, a parcel of real property located in the northwest corner of the real property described in such subsection and consisting of approximately 15 acres.

“(2) USE OF CONVEYED PROPERTY.—The deed of conveyance under paragraph (1) shall contain a covenant requiring that the real property conveyed to the School District be used only for educational purposes.”.

(b) CONFORMING AMENDMENT.—Section 4(a) of such Act is amended by striking “section 3(a)” and inserting “section 3”.

PURPOSE OF THE BILL

The purpose of H.R. 3505 is to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3505 would amend the Bend Pine Nursery Land Conveyance Act (Public Law 106–526) by directing the Secretary of Agriculture to convey to the Bend Metro Parks and Recreation District 210 acres of the Deschutes National Forest’s Bend Pine Nursery for \$3.5 million. In turn, Bend Metro would reconvey 15 acres to the Deschutes County Administrative School District No. 1 to build an elementary school. If Bend Metro does not use the remaining conveyed lands for recreational purposes, additional compensation to the Secretary would be due based on its fair market value at the time of the conversion (minus the funds already paid). The original legislation authorized the Secretary to sell the Nursery (giving first rights of refusal to the Bend Metro) and utilize the funds received towards the construction of a new administrative/visitor center for the Deschutes National Forest. At the time Public Law 106–526 was enacted, the land to be conveyed was valued at \$3.5 million. However, due to administrative delays, the nursery site has yet to be sold. H.R. 3505 would bring closure to an administrative process that has taken too long to complete by facilitating the sale of the nursery and allowing the Bend Metro to develop additional recreational opportunities for the residents of central Oregon. In addition, it will allow the construction of a much-needed elementary school in the fastest-growing part of the State of Oregon.

COMMITTEE ACTION

H.R. 3505 was introduced on November 17, 2003, by Congressman Greg Walden (R–OR). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On February 12, 2004, the Subcommittee held a hearing on the bill. On May 5, 2004, the Full Resources Committee considered the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. Mr. Walden offered an amendment in the nature of a substitute which reflected changes requested by the Department of Ag-

riculture and required additional compensation to be paid to the Secretary if any of the conveyed land (other than the 15-acre parcel reconveyed to the school district) was not used for recreational purposes. The amendment was adopted by unanimous consent and the bill 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 reduce offsetting receipts. However, "[t]hose foregone receipts would be fully offset * * * by a corresponding decrease in direct spending for new facilities within the Deschutes National Forest." In addition, "CBO estimates that any resulting net change in direct spending would be negligible."

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, May 12, 2004.

Hon. RICHARD W. POMBO,
*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. 3505, a bill to amend the

Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other purposes.

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

Sincerely,

ELIZABETH ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 3505—A bill to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other purposes

Public Law 106–526 authorized the Secretary of Agriculture to sell certain lands within the Deschutes National Forest in Oregon. H.R. 3505 would amend that law to require the Secretary to sell some of those lands to the Bend Metro Park and Recreation District for a specified price of \$3.5 million. Under H.R. 3505, as under current law, the Secretary could spend proceeds from the sale to construct or improve facilities within the forest.

Based on information from the Forest Service, CBO estimates that enacting H.R. 3505 would have no significant net impact on the federal budget. The bill would not affect revenues. According to the agency, the appraised value of the affected lands exceeds the sale price specified in the bill by between \$500,000 and \$1.5 million. Hence, we estimate that enacting this bill would reduce offsetting receipts (a credit against direct spending) from the sale. Those forgone receipts would be fully offset, however, by a corresponding decrease in direct spending for new facilities within the Deschutes National Forest. Based on information from the Forest Service about the likely timing of the proposed sale and subsequent spending, CBO estimates that any resulting net change in direct spending would be negligible.

H.R. 3505 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit the Bend Metro Park and Recreation District.

On March 3, 2004, CBO transmitted a cost estimate for S. 1848, similar legislation, as ordered reported by the Senate Committee on Energy and Natural Resources on February 11, 2004. H.R. 3505 and S. 1848 are very similar, and our cost estimates are the same.

The CBO staff contact for this estimate is Megan Carroll. 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 MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

BEND PINE NURSERY LAND CONVEYANCE ACT

* * * * *

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)] (1) 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)] (2) 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)] (3) Tract D, Alsea Administrative Site, consisting of approximately 24 acres, as depicted on site plan map entitled “Alsea Administrative Site, May 14, 1999”.

[(5)] (4) 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)] (5) Tract G, Dale Administrative Site, consisting of approximately 37 acres, as depicted on site plan map entitled “Dale Compound, February 1999”.

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

* * * * *

(e) SOLICITATIONS OF OFFERS.—

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

(2) **REJECTION OF OFFERS.**—The Secretary may reject any offer made under [this section] *subsection (a)* 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).】

* * * * *

(g) CONVEYANCE OF BEND PINE NURSERY.—

(1) CONVEYANCE TO PARK AND RECREATION DISTRICT.—Upon receipt of consideration in the amount of \$3,505,676 from the Bend Metro Park and Recreation District in Deschutes County, Oregon, the Secretary shall convey to the Bend Metro Park and Recreation District all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 185 acres and containing the Bend Pine Nursery, as depicted on the site plan map entitled “Bend Pine Nursery Administrative Site, May 13, 1999”.

(2) USE OF CONVEYED PROPERTY.—Subject to subsection (h), the real property conveyed to the Bend Metro Park and Recreation District under paragraph (1) shall be used only for recreation purposes and may be developed for those purposes. If the Secretary determines that the real property subject to this condition is converted, in whole or in part, to non-recreational use, the Secretary shall require the Bend Metro Park and Recreation District to pay to the United States an amount equal to the fair market value of the property at the time of conversion, less the consideration paid under this paragraph.

(h) RECONVEYANCE OF PORTION OF BEND PINE NURSERY.—

(1) CONVEYANCE TO SCHOOL DISTRICT.—As soon as practicable after the receipt by the Bend Metro Park and Recreation District of the real property described in subsection (g)(1), the Bend Metro Park and Recreation District shall convey to the Administrative School District No. 1, Deschutes County, Oregon, without consideration, a parcel of real property located in the northwest corner of the real property described in such subsection and consisting of approximately 15 acres.

(2) USE OF CONVEYED PROPERTY.—The deed of conveyance under paragraph (1) shall contain a covenant requiring that the real property conveyed to the School District be used only for educational purposes.

SEC. 4. DISPOSITION OF FUNDS.

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

* * * * *