

APACHE NATIONAL FOREST, ARIZONA

SEPTEMBER 4, 1996.—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 H.R. 3547]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3547) to provide for the conveyance of a parcel of real property in the Apache National Forest in the State of Arizona to the Alpine Elementary School District 7 to be used for the construction of school facilities and related playing fields, 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 out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. LAND CONVEYANCE, APACHE NATIONAL FOREST, ARIZONA.

(a) CONVEYANCE REQUIRED.—(1) The Secretary of Agriculture shall convey, without consideration, to the Alpine Elementary School District 7 of the State of Arizona (in this section referred to as the “School District”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 30 acres located in the Apache National Forest, Apache County, Arizona, and further delineated as follows: North ½ of Northeast ¼ of Southeast ¼ of section 14, Township 5 North, Range 30 East, Gila and Salt River meridian, and North ½ of South ½ of Northeast ¼ of Southeast ¼ of such section.

(2) The exact acreage and legal description of the real property to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the School District.

(b) CONDITION OF CONVEYANCE.—The conveyance made under subsection (a) shall be subject to the condition that the School District use the conveyed property for public school facilities and related public school recreational purposes.

(c) RIGHT OF REENTRY.—The United States shall retain a right of reentry in the property to be conveyed. If the Secretary determines that the conveyed property is

not being used in accordance with the condition in subsection (b), the United States shall have the right to reenter the conveyed property without consideration.

(d) ENCUMBRANCES.—The conveyance made under subsection (a) shall be subject to all encumbrances on the property existing as of the date of the enactment of this Act.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PURPOSE OF THE BILL

The purpose of H.R. 3547 is to provide for the conveyance of a parcel of real property in the Apache National Forest in the State of Arizona to the Alpine Elementary School District 7 to be used for the construction of school facilities and related public school recreation facilities.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3547 would convey approximately 30 acres of land on the Apache National Forest in Apache County, Arizona, to the Alpine Elementary School District. The school district needs the land to construct school facilities and related playing fields. The Forest Service has the authority under the Townsite Act of 1958 to sell the acreage to the school district because no private lands exist for purchase. The school district is willing to purchase the lands; however, at \$7,500 per acre the cost is prohibitive.

Eighty-five percent of Apache County is federally-controlled land. As a result, school district budgets rely heavily on proceeds from national forest timber harvests. Unfortunately, appeals and litigation have halted all logging in Arizona, and as a result the Alpine Elementary School District's revenues have fallen sharply. Without this conveyance, they would not be able to afford to construct any facilities after acquiring the land.

H.R. 3547 stipulates that the land may only be used for school facilities. In addition, the school district will bear the costs of performing a survey to determine the exact acreage and legal description of the property.

COMMITTEE ACTION

H.R. 3547 was introduced on May 29, 1996, by Congressman J.D. Hayworth (R-AZ). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Forests and Lands. On June 6, 1996, the Subcommittee held a hearing on H.R. 3547, where the Administration testified in support of the objectives, but recommended changes to the details of the bill. On June 27, 1996, the Subcommittee met to mark up H.R. 3547. An amendment to revise the acreage description and to retain a reversionary interest and mineral rights for the Federal Government was offered by Congressman Hayworth and adopted by voice vote. The bill was then ordered favorably reported to the Full Committee. On August 1, 1996, the Full Resources Committee met to consider H.R. 3547. An amendment in the nature of a substitute to specify the location of the property, delete the mineral rights, and change the reversionary right to a right of re-entry was offered by Congressman John T. Doolittle (R-CA), and adopted by

voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Land conveyance, Apache National Forest, Arizona

This section would convey land in the Apache National Forest in Apache County, Arizona, without consideration to the Alpine Elementary School District for public school facilities and related recreational purposes. It describes the condition of conveyance and encumbrances, a description of the property, and additional terms and conditions.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 3547 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 3547. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 3547 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. Enacting H.R. 3547 could reduce offsetting receipts to the Federal Government by as much as \$250,000.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI 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 and Oversight on the subject of H.R. 3547.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI 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 H.R. 3547 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, August 8, 1996.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3547, a bill to provide for the conveyance of a parcel of real property in the Apache National Forest in the state of Arizona to the Alpine Elementary School District 7 to be used for the construction of school facilities and related playing fields. The bill was ordered reported by the House Committee on Resources on August 1, 1996. Based on information from the Forest Service, CBO estimates that enacting H.R. 3547 could reduce offsetting receipts by as much as \$250,000. Because the bill could affect direct spending by reducing offsetting receipts, pay-as-you-go procedures would apply.

H.R. 3547 would direct the Secretary of Agriculture to convey about 30 acres of federal land in the Apache National Forest to the Alpine Elementary School District 7. The school district would pay for a survey to determine the exact acreage and legal description of the real property to be conveyed. If this property is not conveyed to the school district, CBO expects that the Forest Service would either exchange the land for other lands of equal value or attempt to sell it at fair market value. If the property were otherwise sold, enacting H.R. 3547 would lead the government to forgo sale receipts totaling not more than \$250,000.

H.R. 3547 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would impose no significant costs on state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The staff contacts are Victoria V. Heid (for federal costs), and Marjorie Miller (for the state, local, and tribal impact).

Sincerely,

JAMES L. BLUM
 (For June E. O'Neill, Director).

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 3547 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 3547 would make no changes in existing law.