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HOUSE OF REPRESENTATIVES

REPORT
107–574

CALIFORNIA FIVE MILE REGIONAL LEARNING CENTER TRANSFER ACT

JULY 15, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3401]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3401) to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of unconveyed lands comprising the Center, 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. SHORT TITLE.

This Act may be cited as the "California Five Mile Regional Learning Center Transfer Act".

SEC. 2. LAND CONVEYANCE AND SPECIAL USE AGREEMENT, FIVE MILE REGIONAL LEARNING CENTER, CALIFORNIA.

(a) CONVEYANCE.—The Secretary of Agriculture shall convey to the Clovis Unified School District of California all right, title, and interest of the United States in and to a parcel of National Forest System land consisting of 27.10 acres located within the southwest 1/4 of section 2, township 2 north, range 15 east, Mount Diablo base and meridian, California, which has been utilized as the Five Mile Regional Learning Center by the school district since 1989 pursuant to a special use permit (Holder No. 2010–02) to provide natural resource conservation education to California youth. The conveyance shall include all structures, improvements, and personal property shown on original map #700602 and inventory dated February 1, 1989.

(b) SPECIAL USE AGREEMENT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall enter into negotiations with the Clovis Unified School District to enter into a new special use permit for the approximately 100 acres of National Forest System land that, as of the date of the enactment of this

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Act, is being used by the school district pursuant to the permit described in subsection (a), but is not included in the conveyance under such subsection.

(c) REVERSION.—In the event that the Clovis Unified School District discontinues its operation of the Five Mile Regional Learning Center, title to the real property conveyed under subsection (a) shall revert back to the United States.

(d) COSTS AND MINERAL RIGHTS.—The conveyance under subsection (a) shall be for a nominal cost. Notwithstanding such subsection, the conveyance does not include the transfer of mineral rights.

PURPOSE OF THE BILL

The purpose of H.R. 3401 is to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of unconveyed lands comprising the Center, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Clovis Unified School District (CUSD) currently has a Special Use Permit that allows them to operate the Five Mile Regional Learning Center (RLC) which is located on 27.1 acres of National Forest System land within the Mi Wok Ranger District of the Stanislaus Forest.

RLC is an outdoor education center that serves several thousand elementary school students from throughout the State of California. They offer classes that range from forest to raptor studies, focusing on natural resource conservation. In addition, the facilities are also used for athletic and leadership camps on weekends and throughout the summer. In the last few years, the RLC has experienced a significant amount of growth and is now using an additional 100 acres that is adjacent to the 27.1 acres.

In 1969 the Fresno County Office of Education began the operation of RLC. In 1989 CUSD took over and has been operating it ever since. The federal government has not played a role in the operation or maintenance of the facilities or of the educational programs. The Forest Service allows CUSD the use of the facilities and land, and monitors the program ensuring that the permit requirements are adhered to.

The Forest Service hasn't funded or appropriated money to maintain or operate the facilities and CUSD is not allowed to use District or State money on capital improvements without a transfer of ownership. CUSD spends on average more than one million dollars per year on the operation and maintenance cost under the existing permit and plans on investing five million dollars over the next five years for capital improvements and renovation to the existing facilities.

H.R. 3401 in no way alters existing environmental law. Clovis Unified is willing to undertake the stewardship responsibility of the land and be subject to all existing environmental laws in the U.S.

COMMITTEE ACTION

H.R. 3401 was introduced on December 4, 2001 by Representative George Radanovich. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On June 26, 2002, the Subcommittee dis-

charged the bill to the Full Resources Committee. On June 26, 2002, the Full Resources Committee met to consider the bill. Mr. Radanovich offered an amendment. The language in the amendment is taken directly from the Education Land Grant Act, which this Committee passed in the 106th Congress and is now public law. In discussions with the Forest Service, this nominal fee would likely be $10 per acre. It was adopted by unanimous consent. The bill, as amended 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 revenues or tax expenditures.

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, July 11, 2002.

Hon. JAMES V. HANSEN,
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. 3401, the California Five Mile Regional Learning Center Transfer Act.

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

Sincerely,

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

Enclosure.

H.R. 3401—California Five Mile Regional Learning Center Transfer Act

H.R. 3401 would direct the Secretary of Agriculture to convey about 27 acres of national forest land in California to the Clovis Unified School District for a nominal sum. CBO estimates that enacting this bill would have no significant impact on the federal budget. H.R. 3401 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The school district has operated an outdoor education center on this land for several years under a special use permit issued by the Forest Service. Based on information from the Forest Service, CBO expects that, under current law, the agency would use its authority under the Education Land Grant Act to convey the land to the school district in exchange for a payment of less than $500,000. According to the agency, the conveyance would probably occur sooner under H.R. 3401 than under current law, but the terms of the conveyance specified by the bill would be similar to those that otherwise would apply. The land currently generates no significant offsetting receipts and is not expected to do so over the next 10 years. Hence, CBO estimates that implementing H.R. 3401 would have no significant impact on the federal budget.

H.R. 3401 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 Clovis Unified School District by allowing them to obtain title to this property at a nominal cost.

The CBO staff contacts for this estimate are Megan Carroll (for federal costs) and Marjorie Miller (for the state and local impact). 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

If enacted, this bill would make no changes in existing law.

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