

## Calendar No. 892

106TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 106-447

---

### TEXAS NATIONAL FORESTS IMPROVEMENT ACT OF 1999

---

SEPTEMBER 29, 2000.—Ordered to be printed

Filed under authority of the order of the Senate of September 28 (legislative day, September 22), 2000

---

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

### REPORT

[To accompany H.R. 4285]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 4285) to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE OF THE MEASURE

The purpose of H.R. 4285 is to authorize the Secretary of Agriculture to sell certain Forest Service administrative sites in the Davy Crockett, Sabine, and Angelina National Forests in Texas at fair market value, and to authorize the conveyance of approximately 57 acres of National Forest system land, at fair market value, to the Waverly Gulf Coast Trades Center.

#### BACKGROUND AND NEED

H.R. 4285 allows for the sale of Forest Service administrative sites for fair market value in the Davy Crockett, Sabine and Angelina National Forests in Texas. H.R. 4285 requires that proceeds from the sale of these lands be deposited in the Sisk Act fund (established under Public Law 90-171) to be used for activities in Texas. H.R. 4285 also allows for the conveyance of approximately 57 acres of National Forest land, including existing Forest Service

structures, at fair market value, to the New Waverly Gulf Coast Trades Center. The New Waverly Gulf Coast Trades Center is currently using the existing Forest Service structures to train at-risk youth in construction related occupations.

#### LEGISLATIVE HISTORY

H.R. 4285 was introduced on April 13, 2000 by Representative Jim Turner. The House passed H.R. 4285 by unanimous consent on July 27, 2000. H.R. 4285 was referred to the Committee on Energy and Natural Resources on July 27, 2000. The Subcommittee on Forests and Public Land Management held a hearing on September 13, 2000. At a business meeting on September 20, 2000, the Committee on Energy and Natural Resources ordered H.R. 4285 reported favorably without amendment.

#### COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 20, 2000, by a voice vote of a quorum present, recommends that the Senate pass H.R. 4285.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* provides the short title as the “Texas National Forest Improvement Act of 1999”.

*Section 2(a)* gives the Secretary of Agriculture the authority to convey, by sale or exchange, nine tracts of land described in paragraphs (1)–(9) of the subsection.

*Subsection (b)* provides that a recipient of a conveyance under subsection (a) may convey to the Secretary other land, existing improvements, or improvements constructed to the specifications of the Secretary.

*Subsection (c)* provides that, except as otherwise provided in this section, any conveyance shall be subject to the laws and regulations applicable to the conveyance and acquisition of land for the National Forest System.

*subsection (d)* provides that the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any parcel exchange under subsection (a).

*Subsection (e)* provides that the Secretary may solicit offers for conveyance under such terms as the Secretary may prescribe, and the Secretary may reject any offer if it is not adequate or in the public interest.

*Section (3)(a)* authorizes the Secretary of Agriculture to convey 57 acres of land within the Sam Houston National Forest to the New Waverly Gulf Coast Trades Center.

*Subsection (b)* provides the terms of consideration for the conveyance.

*Paragraph (b)(1)* provides that the Center shall pay fair market value for the conveyance established through an appraisal acceptable to the Secretary.

*Paragraph (2)* specifies that the Center shall pay for the appraisal.

*Paragraph (3)* specifies alternative time-periods for the payment.

*Paragraph (4)* provides that any payment due shall accrue interest beginning on the date of conveyance.

*Subsection (c)* provides that, subject to compliance with all Federal environmental laws prior to conveyance, the Center shall agree in writing to hold the Federal Government harmless from any and all claims on the property.

*Subsection (d)* provides that any time before full payment is made for the conveyance, it shall be subject to a right of reentry if the Secretary determines that: (1) the Center has not complied with the requirements of this section, or the conditions of the deed of conveyance; or (2) the conveyed land is converted to a noneducational or for profit use.

*Subsection (e)* provides that, in the event that the Center does not contract with the Secretary to acquire the property under the terms of this section, the Secretary may dispose of the property in the manner provided under section 2.

*Section 4(a)* provides that the Secretary shall deposit the proceeds from any sale or exchange into the Sisk Act fund.

*Subsection (b)* provides that funds deposited under subsection (a) shall be available to the Secretary without further appropriation for: (1) the acquisition, construction, or improvement of administrative facilities for units of the National Forest System in Texas; or (2) the acquisition of lands or interests in lands in Texas.

#### COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office (CBO) estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report becomes available the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

#### 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 H.R. 4285.

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 H.R. 4285, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On September 25, 2000 the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 4285. These reports has not been received at the time the report on H.R. 4285 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 PAUL BROUHA, ASSOCIATE DEPUTY CHIEF,  
USDA—FOREST SERVICE

Dear Mr. Chairman and members of the subcommittee, thank you for the opportunity to testify today on H.R. 4285, Texas National Forests Improvement Act. I am Paul Brouha, Associate Deputy Chief for the National Forest System, USDA—Forest Service.

The Administration supports H.R. 4285, a bill authorizing a land exchange in the State of Texas.

H.R. 4285, the Texas National Forests Improvement Act, would allow for the sale of Forest Service administrative sites and would allow the proceeds to be deposited in a Sisk Act account for use in the purchase of other lands or the construction of new facilities for the Forest Service within the State of Texas. The bill also would allow for the conveyance of a parcel of National Forest System land to the New Waverly Gulf Coast Trade Center. The conveyance would be at fair market value. The bill allows for installment payments for the purchase of the land, would require interest payments on the unpaid balance, and requires the Trades Center to pay for the appraisal costs associated with the conveyance. The Administration supports this bill.

This concludes my written testimony. I would be happy to answer any questions you may have.

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 H.R. 4285, as ordered reported.