

TO FACILITATE THE EXCHANGE OF SMALL TRACTS OF
LAND

SEPTEMBER 8, 2004.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 4617]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4617) to amend the Small Tracts Act to facilitate the exchange of small tracts of land, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. INTERCHANGES.

(a) **AUTHORITY.**—Secretary of Agriculture shall complete the following interchanges:

(1) An acquisition from Irving N. Christensen of that portion of SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T.19N., R.9E., MDM., lying southwesterly of California State Highway 49 and all that portion of S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 17, T.19N., R.9E., MDM., lying southwesterly of California State Highway 49 and northeasterly of the North Fork Yuba River, through interchange of an approximately equal value of National Forest System land lying northerly of California State Highway 49 within the N $\frac{1}{2}$ N $\frac{1}{2}$ Section 17, T.19N., R.9E., MDM. The Federal land to be interchanged within the specifications of this paragraph shall be agreed upon by the Forest Supervisor and Irving N. Christensen.

(2) An acquisition from Dennis W. McCreary and Cindy M. McCreary of a portion of Lot 19, Section 35, T. 20 N., R. 10 E, MDM in Downieville, Sierra County, California, through interchange of a portion of National Forest System land in Lot 121, Section 35, T. 20 N., R. 10 E, MDM in Downieville, Sierra County, California. The Federal land to be interchanged within the specifications of this paragraph shall be agreed upon by the Forest Supervisor and Dennis W. McCreary and Cindy M. McCreary.

(b) **DESCRIPTIONS.**—The Secretary may modify the descriptions in section (a) to correct errors or to reconfigure the properties in order to facilitate a conveyance.

(c) **CONSIDERATION.**—Consideration for a sale of land under this section may include cash, land, or a combination of both.

(d) VALUATION.—Any appraisals of land deemed necessary or desirable by the Secretary to carry out the purposes of this Act shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions.

(e) 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 any land exchanged under this subsection.

(f) WITHDRAWAL.—Subject to valid existing rights, all lands described in section (b) are withdrawn from location, entry, and patent under the mining laws of the United States.

SEC. 2. RECEIPTS.

(a) DEPOSIT INTO FUND.—

(1) The Secretary shall deposit the net receipts of an exchange under this Act in the fund established by Public Law 90-171 (commonly known as the “Sisk Act”, 16 U.S.C. 484a).

(2) Receipts from any exchange pursuant to this Act shall not be paid or distributed to the State or counties under any provision of law, or otherwise deemed as moneys received from the National Forest for purposes of the Act of May 23, 1908, or the Act of March 1, 1911 (16 U.S.C. 500, as amended), or the Act of March 4, 1913 (16 U.S.C. 501, as amended).

(b) USE OF THE FUNDS.—Funds deposited pursuant to subsection (a) shall be available for expenditure, without further appropriation, for the acquisition of real property or interest in property for National Forest purposes in the State of California.

Amend the title so as to read:

A bill to facilitate the exchange of small tracts of land, and for other purposes.

PURPOSE OF THE BILL

As ordered reported, the purpose of H.R. 4617 is to facilitate the exchange of small tracts of land and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Initially this legislation would have amended the Small Tracts Act to update the law. However, amendments adopted by the Committee on Resources removes this portion of the legislation and simply authorizes two land exchanges between private landowners and the U.S. Forest Service of the Department of Agriculture. Specifically, the Secretary of Agriculture would acquire two small tracts of land from two private landowners in the Tahoe National Forest. While the parcels are small enough to be exchanged under the Small Tracts Act, other antiquated limitations in that Act would prevent the exchange.

In the first exchange, a private landowner would acquire the mineral rights to three acres of the surface estate his family has owned since 1939. In exchange, the Forest Service would acquire seven acres of land adjacent to the Tahoe National Forest’s Indian Valley Campground. The Department of Agriculture has indicated its interest in obtaining the seven acres in correspondence to the landowner.

Due to boundary adjustment errors in 1935, the second exchange involves swapping two .87 acres of land. The first parcel is Forest Service land located in the landowner’s backyard. The second parcel is private land that abuts the first .87 acre parcel. This exchange would allow the Forest Service to gain access to a trailhead staging area. The Forest Service has indicated it would be an attractive exchange in correspondence to the landowner.

Currently, there are no appraisals for the land in question. However, any valuation of the land for the Forest Service must meet the Uniform Appraisal Standards for Federal Land Acquisitions.

Additionally, any receipts received by the Forest Service must be deposited into the fund established by the Sisk Act.

COMMITTEE ACTION

H.R. 4617 was introduced on June 18, 2004 by Congressman John Doolittle (R-CA). The bill was referred primarily to the Committee on Resources and additionally to the Committee on Agriculture. Within the Committee on Resources, the bill was referred to the Subcommittee on Forest and Forest Health. On July 14, 2004, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. Congressman Greg Walden (R-OR) offered an amendment in the nature of a substitute which removed language amending the Small Tracts Act and simply authorized the exchange of two parcels of land identified in the original bill. It was adopted by unanimous consent, with the understanding further changes may be needed in preparation for passage on the House floor. 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, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of this bill could affect direct spending but any such 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, July 28, 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. 4617, a bill to facilitate the exchange of small tracts of land, 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. 4617—A bill to facilitate the exchange of small tracts of land,
and for other purposes*

CBO estimates that enacting H.R. 4617 would have no significant impact on the federal budget. The bill could affect direct spending, but we estimate that any such effects would be negligible. H.R. 4617 would not affect revenues. H.R. 4617 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 4617 would require the Secretary of Agriculture to convey national forest system land in California to two private landowners in exchange for roughly eight acres of land owned by those individuals. The bill does not specify the federal land to be exchanged, but would require that it be of approximately equal value to the private land. If it is not, H.R. 4617 would authorize the Secretary to make or accept cash payments to equalize the value of property exchanged, subject to the availability of appropriated funds. Based on information from the Forest Service, CBO expects that any such payments exchanged under H.R. 4617 would be negligible.

Conveying federal land under H.R. 4617 could reduce offsetting receipts if, under current law, that land would generate income under programs to develop natural resources. Based on information from the Forest Service, however, CBO expects that any federal land exchanged under H.R. 4617 would be highly unlikely to produce any significant income over the next 10 years. Hence, we estimate that completing the proposed exchanges would not significantly affect offsetting receipts (a credit against direct spending).

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

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

COMMITTEE CORRESPONDENCE

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, August 25, 2004.

Hon. BOB GOODLATTE,
*Chairman, Committee on Agriculture,
Longworth HOB, Washington, DC.*

DEAR MR. CHAIRMAN: On July 14, 2004, the Committee on Resources ordered favorably reported with amendments H.R. 4617, to amend the Small Tracts Act to facilitate the exchange of small tracts of land, and for other purposes. The bill was referred primarily to the Committee on Resources, with an additional referral to the Committee on Agriculture. The additional referral was triggered because the bill amended the Small Tracts Act, which affects both forests created from the public domain and those which were not. I have forwarded a copy of the draft bill report and reported text to your staff for review.

As you will see, the amendments adopted in the Resources Committee no longer make changes to the Small Tracts Act. In fact, the only language remaining are two small land exchanges both involving the Tahoe National Forest in California, a forest created from the public domain.

The author of the bill, Congressman John Doolittle, would like to see it considered by the House of Representatives before we adjourn the 108th Congress. Knowing that we have only a few weeks left at most, I ask that you allow the Committee on Agriculture to be discharged from further consideration of the bill so that it may be scheduled under suspension of the rules as soon as possible. This discharge in no way affects your jurisdiction over the subject matter of the original bill and it will not serve as precedent for future referrals. In addition, I would be pleased to include this letter and any response you might have in the report on the bill to be filed on September 7, 2004.

Thank you for your consideration of my request and I look forward to bringing H.R. 4617 to the Floor soon.

Sincerely,

RICHARD W. POMBO,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, September 8, 2004.

Hon. RICHARD POMBO,
*Chairman, House Committee on Resources,
Longworth House Office Building, Washington, DC*

DEAR MR. CHAIRMAN: Thank you for your August 25, 2004 correspondence regarding H.R. 4617, a bill to amend the Small Tracts Act to facilitate the exchange of small tracts of land, and for other

purposes. As you are aware, the Committee on Agriculture was granted an additional referral of this legislation.

Knowing of your interest in expediting this legislation, I will discharge H.R. 4617 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging these bills the Committee on Agriculture does not waive any future jurisdictional claim over these or similar measures. In addition, in the event a conference with the Senate is requested on this matter, the Committee on Agriculture reserves the right to seek appointment of conferees, if it should become necessary.

Thank you very much for your courtesy in this matter and I look forward to continued cooperation between our Committees as we deal with these issues in the future.

Sincerely,

BOB GOODLATTE,
Chairman.

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