

MINGO JOB CORPS CIVILIAN CONSERVATION CENTER
TRANSFER

OCTOBER 4, 2004.—Ordered to be printed

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

R E P O R T

[To accompany S. 1814]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 1814) to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1814 is to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior.

BACKGROUND AND NEED FOR LEGISLATION

The Mingo National Wildlife Refuge is located in Puxico, Missouri. It was established on June 7, 1944, under the authority of the Migratory Bird Treaty Act and it consists of 21,676 acres of wildlife habitat. The Refuge is a major migration and wintering area for migratory waterfowl through the Mississippi Flyway. In the past, populations of 125,000 mallard ducks, 75,000 Canada geese and nesting bald eagles have been recorded at the Refuge. There are also over 140 identified archaeological sites within the Refuge.

The Job Corps is a national employment program established by the Economic Opportunity Act of 1964. It is administered by the Department of Labor to address employment barriers experienced by nearly 70,000 at-risk students each year between the ages of 16 and 24. There are 118 Job Corps Centers throughout the country. A subset of the Job Corps are the Civilian Conservation Centers

(CCC), of which the U.S. Forest Service operates 18 and the Fish and Wildlife Service operates two. The latter two CCCs are: the Mingo Job Corps CCC and the Treasure Lake Job Corps CCC in Indianola, Oklahoma. The key difference between a Job Corps Center and a Job Corps CCC is that in addition to training, CCCs emphasize work-based efforts to conserve, develop or manage public recreational areas.

The Mingo Job Corps CCC is located at the southeast corner of the refuge. It occupies 87 acres of the unit, including ten buildings on the campus, and a new education building is currently under construction. According to the Fish and Wildlife Service, the Center can accommodate up to 224 residential students and there are 76 federal employees working at the Center. The fundamental goal of the Center is to provide students with the basic training and educational skills necessary to secure long-term employment and to have a successful career in the future. At this time, the Fish and Wildlife Service operates the Job Corps Center through an inter-agency agreement with the Department of Labor. During the past academic year, Mingo was ranked 29th out of 118 centers in the nation. Despite this fact, the Labor Department has indicated its desire to contract out the operation of the Mingo Center. To date, there is only one center, the Iroquois Job Corps Center in Medina, New York, that is operated by an outside private contractor.

On March 6, 2003, a Memorandum of Understanding was signed that would transfer the administration and operations of the Mingo Job CCC to the Forest Service. Despite this agreement, the transfer cannot occur administratively because the National Wildlife Refuge Administration Act of 1966 stipulates that refuge land can not be transferred without an act of Congress.

Under the terms of this legislation, the transfer will occur in an expedited manner. The Director of the U.S. Fish and Wildlife Service and the Chief of the Forest Service will enter into a second Memorandum of Agreement that includes procedures for: the orderly transfer of employees; the transfer of property, fixtures and facilities; and the transfer of records. In addition, the bill stipulates that the property will revert back to the Fish and Wildlife Service if the Mingo Job Corps CCC is closed in the future. The Forest Service will not be liable for any environmental costs or damages that may have occurred on the 87 acres of property prior to the transfer. Each agency will be required to cover their own implementing costs and each federal employee transferred to the Forest Service will retain all of their employment rights and benefits. Finally, within 60 days after enactment of the bill, the Fish and Wildlife Service shall provide to the Forest Service an inventory of all property and facilities at the Center.

COMMITTEE ACTION

S. 1814 was introduced on November 3, 2003, by Senator Kit Bond (R-MO). The bill was passed by the U.S. Senate on April 20, 2004, and in the House of Representatives was referred to the Committee on Resources and additionally to the Committee on Agriculture and the Committee on Education and the Workforce. Within the Committee, the bill was referred to the Subcommittees on Fisheries Conservation, Wildlife and Oceans and Forests and Forests Health. On May 13, 2004, the Subcommittee on Fisheries

Conservation, Wildlife and Oceans held a hearing on the bill. On June 3, 2004, the Subcommittee met to mark up the bill. There were no amendments offered and the bill was then ordered favorably reported to the Full Committee. On September 15, 2004, the Full Resources Committee met to consider the bill. The Subcommittee on Forests and Forests Health was discharged from further consideration of the bill by unanimous consent. There were no amendments offered 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 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:

S. 1814—An act to transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior

CBO estimates that implementing S. 1814 would have no significant impact on the federal budget. Enacting the legislation would not affect direct spending or revenues. S. 1814 contains no inter-governmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

S. 1814 would transfer, from the Secretary of the Interior to the Secretary of Agriculture, administrative jurisdiction over the Mingo Job Corps Civilian Conservation Center, located in Missouri. Based

on information from the U.S. Fish and Wildlife Service and the Forest Service, CBO estimates that the agencies' costs to complete the proposed transfer would total less than \$100,000, assuming the availability of appropriated funds. We also estimate that transferring the center between agencies would not significantly affect operating costs.

On April 12, 2004, CBO transmitted a cost estimate for S. 1814 as ordered reported by the Senate Committee on Environment and Public Works on April 7, 2004. The two versions of S. 1814 are identical, 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

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

COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 29, 2004.

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

DEAR MR. CHAIRMAN: On September 15, 2004, the Committee on Resources ordered reported S. 1814, a bill to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior. The bill was referred primarily to the Committee on Resources, with an additional referral to the Committee on Agriculture because it affects activities in forests not created from the public domain.

The author of the bill, Senator Kit Bond would like to see the measure considered on the Floor before we adjourn for the year. Knowing that we have only a short time remaining in this session, 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 bill and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. I would be pleased to include this letter and any response in the bill report filed by the Committee Resources.

Thank you for your consideration of my request and I look forward to bringing S. 1814 to the Floor soon.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, October 4, 2004.

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

DEAR MR. CHAIRMAN: I would like to take this opportunity to respond to your letter of September 29, 2004 concerning my committee's discharge of S. 1814. This legislation, sponsored by Senator Kit Bond, would transfer federal lands between the Secretary of Agriculture and the Secretary of Interior. On September 23, 2004, the Committee on Agriculture favorably ordered reported by an affirmative voice vote S. 1814. As you are aware, the Committee on Agriculture was granted an additional referral of this legislation on those provisions that fall within the jurisdiction of this Committee.

Knowing of your interest in expediting this legislation and in maintaining the continued consultation between our Committees on these matters, I will agree to discharge S. 1814 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdiction 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 for your consideration in this matter and look forward to seeing S. 1814 on the floor of the House of Representatives shortly.

Sincerely,

BOB GOODLATTE,
Chairman.