

**STATEMENT OF
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UNITED STATES DEPARTMENT OF AGRICULTURE**

**Before the
Committee on Energy and Natural Resources
Subcommittee on Forests and Public Lands
United States Senate**

**H.R. 150, Education Land Grant Act
S. 1184, National Forest System Community Purposes Act**

July 21, 1999

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to be here today to present the Administration's views concerning S. 1184, and H.R. 150. I am accompanied today by James Snow, Deputy Assistant General Counsel of the Department of Agriculture, who is our legal counsel on realty and public land law matters.

S. 1184, "National Forest System Community Purposes Act"

The Administration strongly opposes S. 1184 for the following reasons: 1) adequate statutory authority exists to make lands available for recreation and other public purposes; 2) taxpayers will not receive fair market value for their assets; and 3) the purposes for land conveyance are too broad in scope.

There are several existing authorities by which National Forest lands can be made available for community purposes. Under the Townsite Act, the Secretary of Agriculture may convey, for fair market value, up to 640 acres of land to established communities located adjacent to National Forests in Alaska and in the eleven contiguous western states. Within certain limits, the Sisk Act of 1967 authorizes the Secretary to exchange lands with states, counties, ~~or~~ municipal governments, or public school districts for lands or lands and money. Moreover, the Secretary can exchange National Forest lands with state and local governments under authority of the General Exchange Act of 1922 and he also has existing

authority to accommodate public uses on National Forests through permits and leases.

These authorities have ~~some~~^{three} common themes:

× *Balancing of Interests* -- The conveyances of federal land are based on considerations to assure that the benefits of conveyances outweigh the public objectives and values of keeping lands in Federal ownership.

× *Assuring compatible uses* -- Terms and conditions may be imposed to assure that lands will be used for their intended purposes and will not result in undue environmental damage.

× *Consideration* -- Lands are conveyed for fair market value, assuring the public full reimbursement for its assets.

S. 1184 changes these existing authorities by allowing the disposal of National Forest lands for less than fair market value. Congress established the public policy generally mandating the receipt of fair market value for the conveyance or use of the Federal lands, most clearly stated in the Independent Offices Appropriations Act and the Federal Land Policy and Management Act. It is sound fiscal management to get value received in return for value granted. Further, the general public should benefit from the use and disposition of the public's land. The Administration objects to legislation that would reverse that policy by opening the door to less than fair market value consideration for the disposition of National Forest lands.

In addition, we are concerned about the breadth of purposes for which S. 1184 authorizes conveyance of National Forest lands. The scope of application will allow wholesale disposal of highly valuable National Forest lands for nominal fees.

H.R. 150, "Education Land Grant Act"

The Administration previously commented on H.R. 150 and we appreciate the House Resources Committee's work to address many of our concerns with H.R. 150 as originally introduced.

The Administration does not object to H.R. 150, but we still have several significant problems regarding it. Even though the scope of this legislation is limited to applications for educational purposes and for lands identified as no longer necessary for National Forest purposes, we are still concerned that: 1) taxpayers will not receive fair market value for their assets; 2) the deadline requirement to make the conveyance decision within 120 days is inadequate; and 3) applications should be limited to only communities surrounded by National Forest lands.

With the issue of fair market value, our concerns are the same as for S. 1184.

Second, the deadline requirement to make the conveyance decision within 120 days is inadequate. We appreciate the recognition by the House that the original requirement of 60 days was too short. However, 120 days still does not allow enough time to comply with the requirements of NEPA and NFMA, that are necessary to make a decision of this magnitude.

The agency strongly believes that attempts to short circuit environmental and public processes will only lead to more controversy.

Third, we would prefer to see the legislation limit applications to only communities surrounded by National Forest lands. It appears the intent of this legislation is to assist communities where private land is not readily available for schools.

Closing

Mr. Chairman, while we support the general objective of making federal lands available for recreation, education and other public purposes, we, feel the authorities exist to provide this assistance.

Thank you. I would be happy to answer any questions ~~you~~.