

Committee Reports

105th Congress; 1st Session

House Rpt. 105-295 Part 1

105 H. Rpt. 295

DEVILS BACKBONE **WILDERNESS** BOUNDARY ADJUSTMENT

DATE: October 2, 1997. Ordered to be printed

SPONSOR: Mr. Smith of Oregon submitted the following Report

COMMITTEE: from the Committee on Agriculture

(To accompany H.R. 1779)

(Including cost estimate of the Congressional Budget Office)

TEXT:

The Committee on Agriculture, to whom was referred the bill (H.R. 1779) to make a minor adjustment in the exterior boundary of the Devils Backbone **Wilderness** in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

BRIEF EXPLANATION

H.R. 1779 provides for a minor adjustment in the exterior boundary of the Devils Backbone **Wilderness** in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements.

PURPOSE AND NEED

H.R. 1779 is intended to provide relief to a private party who made improvements to the two acres in real property relying upon an incorrect survey. The improvements include a garage, water well, mailbox, driveway, and other improvements. It is estimated that relevant property boundaries have been incorrectly described in surveys for the last 100 years. By excluding the two acres from the Devils Backbone **Wilderness**, the bill would permit the invocation of the Small Tracts Act of 1983, P.L. 97-465 (16 U.S.C. 521c et seq.) which in turn would allow for a land exchange or other appropriate remedy for the Forest Service.

SECTION-BY-SECTION

Section 1 adjusts the boundary of the Devils Backbone **Wilderness** area in the Mark Twain National Forest, Missouri to exclude approximately two acres of land containing a garage, well, mailbox, driveway, and other improvements.

COMMITTEE CONSIDERATION

The Committee on Agriculture met on September 24, 1997 to consider H.R. 1779 and other pending business. Chairman Smith recognized Mr. Barrett who asked for unanimous consent that the Subcommittee on Forestry, Resource Conservation, and Research, to whom the bill had been referred by the Chairman, be discharged from further consideration of H.R. 1779. No objection was made to the unanimous consent request. Chairman Smith recognized Mr. Blunt for an explanation of H.R. 1779. After the explanation of the bill and brief discussion, Mr. Barrett moved that the bill be reported favorably to the House with the recommendation that it do pass. Mr. Barretts motion was adopted by voice vote in the presence of a quorum.

REPORTING THE BILL ROLLCALL VOTES

In compliance with clause 2(l)(2) of rule XI of the House of Representatives, H.R. 1779 was reported by voice vote with a majority quorum present. There was no request for a recorded vote.

BUDGET ACT COMPLIANCE (SECTIONS 308, 403, AND 424)

The provisions of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, new credit authority, or increased or decreased revenues or tax expenditures) are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office under clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and sections 403 and 424 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, September 30, 1997.
Hon. Robert F. Smith,
Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1779, a bill to make a minor adjustment in the exterior boundary of the Devils Backbone **Wilderness** in the Mark Twain National Forest, Missouri, to exclude a small parcel of land

containing improvements.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,
June E. O'Neill, Director.

Enclosure.

congressional budget office cost estimate

H.R. 1779 A bill to make a minor adjustment in the exterior boundary of the Devils Backbone **Wilderness** in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements

CBO estimates that enacting this bill would not have a significant impact on the federal budget. Because enacting H.R. 1779 could affect offsetting receipts, pay-as-you-go procedures would apply; however, CBO estimates that any such effect would be negligible. H.R. 1779 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no significant costs on state, local, or tribal governments.

H.R. 1779 would reduce the area of the Devils Backbone **Wilderness** within the Mark Twain National Forest by excluding about two acres of **wilderness** now occupied by a private party. Enacting H.R. 1779 could affect direct spending by increasing offsetting receipts because the Forest Service would be likely to sell the property to the private party under the Small Tracts Act (16 U.S.C. 521d) once the property is removed from **wilderness** designation. Therefore, pay-as-you-go procedures would apply to the bill. However, CBO estimates that any such increase in receipts would total less than \$10,000. Adjusting the boundaries of the **wilderness** area might involve minor administrative costs, but we estimate that any such changes to discretionary spending would be negligible.

The CBO staff contact for this estimate is Victoria V. Heid. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee

finds the Constitutional authority for this legislation in article I, clause 8, section 18, that grants Congress the power to make all laws necessary and proper for carrying out the powers vested by Congress in the Government of the United States or in any department or officer thereof.

OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Reform and Oversight, as provided for in clause 2(l)(3)(D) of rule XI, and under clause 4(c)(2) of rule X of the Rules of the House of Representatives, was available to the Committee with reference to the subject matter specifically addressed by H.R. 1779.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 2(l)(3)(A) of rule XI, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Agriculture oversight findings and recommendations are reflected in the body of this report.

COMMITTEE COST ESTIMATE

Pursuant to clause 7(a) of rule XIII of the Rules of the House of Representative, the Committee report incorporates the cost estimate prepared by the Director of the Congressional Budget Office pursuant to sections 403 and 424 of the Congressional Budget Act of 1974.

ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office (CBO), contained in the CBO cost estimate for this bill appearing in this Committee report, pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

COMMITTEE CORRESPONDENCE

House of Representatives,
Committee on Resources,
Washington, DC, 26 September 1997.
Hon. Robert F. Smith,
Chairman, Committee on Agriculture,
Washington, DC.

Dear Mr. Chairman: I understand that the Committee on Agriculture has completed consideration of H.R. 1779, to make a minor boundary adjustment in the exterior boundary of the Devils Backbone **Wilderness** in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements. The bill was primarily referred to the Committee on Agriculture and additionally to the Committee on Resources.

Knowing your interest in expediting this legislation on behalf of its author, Congressman Blunt, and after consulting with Forests and Forest Health Subcommittee Chair Helen Chenoweth, I would be pleased to waive any remaining referral of the bill to the Committee on Resources. I do so with the understanding that this waiver does not waive any future jurisdictional claims over this or similar measures. In addition, in the unlikely event the bill goes to conference with the Senate, I ask that the Committee on Resources be represented in that conference.

Once again, I appreciate the extensive and continuing consultation between our committees on matters of shared jurisdiction.

Sincerely,
Don Young, Chairman. Don Young, Chairman.