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EDWARD H. McDANIEL AMERICAN LEGION POST NO. 22 LAND CONVEYANCE ACT

MARCH 14, 2005.—Ordered to be printed

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

R E P O R T

[To accompany S. 253]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 253) to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, line 21, strike "subsection (b)" and insert "subsection (a)".
2. On page 3, line 7, strike "section (b)" and insert "subsection (b)".

PURPOSE OF THE MEASURE

The purpose of S. 253 is to direct the Secretary of the Interior to convey approximately 4.5 acres of land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community.

BACKGROUND AND NEED

The existing facility used by veterans in Pahrump was built by the Veterans of Foreign Wars in the 1960's. It is inadequate for the veterans' current needs. The nearest facility that can accommodate

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their needs is located in Las Vegas, more than 60 miles away. S. 253 will provide land necessary for the Pahrump American Legion to build new facilities that will benefit local veterans and community activities. S. 253 directs the Secretary of the Interior to convey approximately 4.5 acres to American Legion "Edward H. McDaniel" Post No. 22 in Pahrump without consideration.

LEGISLATIVE HISTORY

S. 253 was introduced by Senators Reid and Ensign on February 1, 2005. The Subcommittee on Public Lands and Forests held a hearing on a similar bill, S. 1521, on May 5, 2004. S. 1521 was passed by the Senate twice, first as a stand alone bill on September 15, 2004. The House of Representatives amended S. 1521 on October 4, 2004 to add several unrelated provisions. On December 7, 2004, the Senate concurred in the House amendment, again adding several unrelated provisions. The House did not act on that amended version prior to the *sine die* adjournment of the 108th Congress.

At its business meeting on February 9, 2005, the Committee on Energy and Natural Resources ordered S. 253, as amended, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in an open business session on February 9, 2005, by a unanimous vote of a quorum present, recommends that the Senate pass S. 253, if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of S. 253, the Committee adopted two technical amendments.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title.

Section 2 defines key terms used in the bill.

Section 3 provides for the conveyance of 4.5 acres of land in Pahrump, Nevada, and makes the conveyance subject to requirements on the use of the land or, unless waived by the Secretary, the parcel will revert to the United States.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

S. 253—Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act

S. 253 would direct the Secretary of the Interior to convey, for no consideration, 4.5 acres of land in Nye County, Nevada, to the Edward H. McDaniel American Legion Post. The bill specifies that the group must use the land only to construct and operate facilities for use by the American Legion, other veterans groups, or the local community. Under the bill, if that condition is not met, ownership of the land would revert to the federal government.

According to the Bureau of Land Management, the property to be conveyed currently generates no significant receipts and is not

expected to do so over the next 10 years. Therefore, we estimate that conveying it would not affect offsetting receipts (a credit against direct spending). We also estimate that the agency's administrative costs to complete the proposed conveyance would be negligible, assuming the availability of appropriated funds. Enacting S. 253 would not affect revenues.

S. 253 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.

The CBO staff contact for this estimate is Lisa Cash Driskill. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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 S. 253.

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 S. 253, as ordered reported.

EXECUTIVE COMMUNICATIONS

Views of the Administration were included in testimony received by the Committee on a substantially similar bill at a hearing on May 5, 2004.

STATEMENT OF BOB ANDERSON, DEPUTY ASSISTANT DIRECTOR, MINERALS, REALTY AND RESOURCE PROTECTION, BUREAU OF LAND MANAGEMENT

Thank you for inviting me to testify regarding a number of land conveyance bills of interest to the Bureau of Land Management (BLM).

S. 1521—THE "EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22 LAND CONVEYANCE ACT"

The Administration supports the goals of S. 1521, but would like to work with the Committee to address certain concerns and clarify technical issues discussed more fully below.

The Administration has a number of concerns with S. 1521 as introduced. First, the tract to be conveyed under S. 1521 has not been identified for disposal under the current land use plan, which was adopted in 1998. The BLM would like to work with the Committee and the American Legion Post No. 22 to identify an alternate site within the over 9,300 acres of public lands in the area currently identified as suitable for disposal in the current land use plan. Second, the legislation directs the Secretary of the Interior

to transfer the lands identified within 120 days. This requirement results in time concerns relative to the BLM's ability to fulfill certain requirements associated with the land conveyance, which include, among others, conducting a cadastral survey and performing hazardous substances and cultural resources clearances. This is in addition to the ability to fulfill requirements under the National Environmental Policy Act (NEPA). Selection of alternate lands that are currently identified for disposal in the land use plan could help alleviate the conflict created between the time limitation and the requirement to comply with applicable Federal laws, although more time may still be needed.

Third, the Administration requests an addition to the reversionary clause to provide for the sale of these lands by the transferee, with the sale proceeds going to the Federal government, as an alternative to reversion. This would protect taxpayers from assuming potential liabilities that might arise by giving the Federal government discretion regarding the reversion.

Finally, the BLM, as a matter of practice, receives fair market value for land being transferred out of public ownership. For conveyances to non-governmental entities that qualify under the Recreation and Public Purposes Act, the United States receives 50 percent of fair market value. We would like to work with the Committee to address these concerns so that the necessary work can be completed and public notice and participation can occur.

We look forward to working with the Committee and local interests to address the concerns we have identified in S. 1521.

Thank you for the opportunity to testify. I'll be happy to answer any questions.

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 the bill S. 253, as ordered reported.

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