

## NEVADA CANCER INSTITUTE EXPANSION ACT

FEBRUARY 28, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,  
submitted the following

### R E P O R T

[To accompany H.R. 1311]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1311) to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility, 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. SHORT TITLE.

This Act may be cited as the “Nevada Cancer Institute Expansion Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) ALTA-HUALAPAI SITE.—The term “Alta-Hualapai Site” means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.); and

(B) identified on the map as the “Alta-Hualapai Site”.

(2) CITY.—The term “City” means the city of Las Vegas, Nevada.

(3) INSTITUTE.—The term “Institute” means the Nevada Cancer Institute, a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) MAP.—The term “map” means the map titled “Nevada Cancer Institute Expansion Act” and dated July 17, 2006.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WATER DISTRICT.—The term “Water District” means the Las Vegas Valley Water District.

**SEC. 3. LAND CONVEYANCE.**

(a) **ACCEPTANCE.**—The Secretary may accept the relinquishment by the City of all or part of the Alta-Hualapai Site.

(b) **CONVEYANCE FOR USE AS NON-PROFIT CANCER INSTITUTE.**—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of the Alta-Hualapai Site that is necessary for the development of a non-profit cancer institute.

(c) **ADDITIONAL CONVEYANCES.**—Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai site necessary for ancillary medical or non-profit use compatible with the mission of the Institute.

(d) **APPLICABLE LAW.**—Any conveyance by the City of any portion of the land received under this Act shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105–263 (112 Stat. 2345).

(e) **TRANSACTION COSTS.**—All land conveyed by the Secretary under this Act shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(f) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105–263 (112 Stat. 2345).

**SEC. 4. RIGHTS-OF-WAY.**

Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights of way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water pumping facility.

**SEC. 5. REVERSION.**

Any property conveyed pursuant to this Act which ceases to be used for the purposes specified in this Act shall, at the discretion of the Secretary, revert to the United States, along with any improvements thereon or thereto.

Amend the title so as to read:

A bill to provide for the conveyance of the Alta-Hualapai Site to the Nevada Cancer Institute, and for other purposes.

**PURPOSE OF THE BILL**

The purpose of H.R. 1311 is to provide for the conveyance of the Alta-Hualapai site in Las Vegas, Nevada to the Nevada Cancer Institute, and for other purposes.

**BACKGROUND AND NEED FOR LEGISLATION**

The 80-acre Alta-Hualapai site in Las Vegas is part of a 320-acre parcel that was patented to the City of Las Vegas, Nevada (City) by the Bureau of Land Management (BLM) in 1963 under the Recreation and Public Purposes Act (R&PP) (43 U.S.C. 869 et seq) for “recreational area site purposes only.” Much of the parcel was developed into the Angel Park golf course. However, the Alta-Hualapai site remains mostly undeveloped. The City proposed using this site to develop the Nevada Cancer Institute and campus.

R&PP patents, such as the one held by the City, contain provisions requiring title to revert back to the Secretary of the Interior if the lands are devoted to a use other than that for which the lands were conveyed, or if the patentee fails to follow the development plans which were presented as part of the original application.

H.R. 1311 requires the City to first relinquish the Alta-Hualapai site to the Secretary of the Interior. The Secretary would then be authorized to make limited conveyances, for no consideration, to the Nevada Cancer Institute for development of the Institute, and

to the City for development of ancillary medical facilities consistent with the mission of the Institute.

#### COMMITTEE ACTION

H.R. 1311 was introduced on March 5, 2007, by Representative Shelley Berkley (D–NV). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On October 23, 2007, the Subcommittee held a hearing on the bill, during which the BLM testified that it did not support the bill unless major clarifications and modifications were made to make the bill consistent with existing conveyance authorities. The BLM requested the opportunity to work with the Committee regarding these modifications.

On February 13, 2008, the Full Natural Resources Committee met to mark up the bill. Subcommittee Chairman Raul Grijalva (D–AZ) offered an amendment in the nature of a substitute that, consistent with the R&PP, required the City to first relinquish the Alta-Hualapai site to the Secretary, then authorized the Secretary to make limited conveyances, for no consideration, to the non-profit Nevada Cancer Institute and the City for development of the Institute and ancillary medical facilities. The Grijalva amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Section 1 entitles this Act as the “Nevada Cancer Institute Expansion Act.”

##### *Section 2. Definitions*

Section 2 defines the terms used in this Act.

##### *Section 3. Land conveyance*

Subsection 3(a) provides for the Secretary of the Interior to accept the relinquishment, by the City, of all or part of the Alta-Hualapai site. This is consistent with the Recreation and Public Purposes Act (R&PP) (43 U.S.C. 869 et seq) which required the reversion of the Alta-Hualapai site if it was not used for the purpose for which the lands were conveyed originally in 1963.

Subsection 3(b) directs the land conveyance to the non-profit Nevada Cancer Institute. After relinquishment of the Alta-Hualapai site, and not later than 180 days after the request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of the Site that is necessary for the development of the Institute.

Subsection 3(c) provides for additional conveyances to the City. Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai site necessary for ancillary medical or non-profit use compatible with the mission of the Institute.

Subsection 3(d) then provides that any conveyance by the City of any portion of the land received under this Act shall be conveyed for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105–263 (112 Stat. 2345).

Subsection 3(e) provides for transaction costs. All land conveyed by the Secretary under this Act shall be at no cost; however, the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

Subsection 3(f) requires the Secretary to provide a report of all transactions conducted under Public Law 105–263 (112 Stat. 2345). No later than 180 days after the date of the enactment of this Act, the Secretary shall submit this report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

#### *Section 4. Rights-of-way*

Section 4 provides that the Secretary may grant rights of way to the Las Vegas Valley Water District, on a portion of the Alta-Hualapai site, for a flood control project and a water pumping facility, consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701).

#### *Section 5. Reversion*

Section 5 provides that any property conveyed pursuant to this Act which ceases to be used for the purposes specified in this Act shall, at the discretion of the Secretary, revert back to the United States, along with any improvements thereon or thereto.

#### 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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3, 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:

*H.R. 1311—Nevada Cancer Institute Expansion Act*

H.R. 1311 would authorize the Bureau of Land Management (BLM) to accept 80 acres of land from the city of Las Vegas, Nevada, and convey that land to the Nevada Cancer Institute for the expansion of the institute. Some of the property may be returned to the city for related purposes. If the city does not use all of the land conveyed for the purposes described in the bill, it would be allowed to sell the unused portion and split the proceeds with BLM.

CBO estimates that implementing H.R. 1311 would have a negligible impact on the federal budget. The recipients of the land would pay for the cost of the conveyance. Further, if any land is sold by the city, those proceeds would be divided between Nevada and BLM and be available for expenditure without future appropriation in accordance with the Southern Nevada Public Land Management Act of 1998. Enacting the bill would not affect revenues.

H.R. 1311 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Tyler Kruzich. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1311 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

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.