

PROVIDING FOR THE CONVEYANCE OF CERTAIN BUREAU OF LAND MANAGEMENT LAND IN THE STATE OF NEVADA TO THE LAS VEGAS MOTOR SPEEDWAY, AND FOR OTHER PURPOSES

JULY 10, 2009.—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. 409]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 409) to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 115 acres of Bureau of Land Management land identified on the map as “Lands identified for Las Vegas Speedway Parking Lot Expansion”.

(2) **MAP.**—The term “map” means the map titled “Las Vegas Speedway Parking Lot Expansion”, dated March 6, 2009, and on file in the Office of the Director of the Bureau of Land Management.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 2. CONVEYANCE OF FEDERAL LAND TO NEVADA SPEEDWAY.

(a) **IN GENERAL.**—If Nevada Speedway, LLC, submits to the Secretary an offer to acquire the Federal land for the appraised value, notwithstanding the land use planning requirements of section 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to Nevada Speedway, LLC, all right, title, and interest in and to the Federal land, subject to valid existing rights.

(b) **APPRAISAL.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land.

(2) **APPLICABLE LAW.**—The appraisal under paragraph (1) shall be conducted in accordance with—

- (A) the Uniform Appraisal Standards for Federal Land Acquisitions; and
- (B) the Uniform Standards of Professional Appraisal Practice.

(3) COSTS.—All costs associated with the appraisal required under paragraph

(1) shall be paid by Nevada Speedway, LLC.

(c) PAYMENT OF CONSIDERATION.—As a condition of the conveyance, Nevada Speedway, LLC, shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under subsection (b).

(d) COSTS OF CONVEYANCE.—As a condition of the conveyance, any costs of the conveyance under subsection (a) shall be paid by Nevada Speedway, LLC.

(e) REVERSION.—If Nevada Speedway, LLC, or any subsequent owner of the Federal land conveyed under subsection (a), uses the Federal land for purposes other than a parking lot for the Nevada Speedway, all right, title, and interest in and to the land (and any improvements to the land) shall revert to the United States at the discretion of the Secretary.

(f) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the conveyance of Federal land under subsection (a) in the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

(g) COMPLIANCE.—Except as otherwise provided in this Act, the conveyance authorized in this section shall be carried out in compliance with all laws and regulations applicable to the conveyance of Federal land.

SEC. 3. WITHDRAWAL OF FEDERAL LAND.

(a) WITHDRAWAL.—Except as provided in section 2(a) and subject to valid existing rights, the Federal land is withdrawn from—

- (1) all forms of entry, appropriation, and disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) TERMINATION.—If two years after the date of the enactment of this Act, the conveyance authorized under section 2 has not been executed, the withdrawal under subsection (a) shall have no force or effect.

SEC. 4. SUNSET.

The authority provided to the Secretary under this Act shall terminate 5 years after the date of the enactment of this Act.

PURPOSE OF THE BILL

The purpose of H.R. 409 is to provide for the conveyance of certain Bureau of Land Management (BLM) land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Las Vegas Motor Speedway is an auto racing complex located about 12 miles north of downtown Las Vegas. It is owned by the Nevada Speedway, LLC (Speedway). The complex hosts NASCAR and other racing events, which can bring in as many as 100,000 racing fans. For several years now, the Speedway has been looking for options to expand its parking.

H.R. 409 would require the conveyance of 115 acres of BLM land to the Speedway specifically for expansion of the Las Vegas Speedway parking lot. The legislation provides that the Secretary of the Interior (Secretary) shall complete an appraisal of the 115 acres of federal land, in accordance with federal appraisal standards and practices. Once the appraisal is completed, the Secretary would be required to convey all right, title, and interest in that land to the Speedway for fair market value. The bill further provides that the land would be withdrawn from entry, appropriation, and disposal under the public land laws, as well as under the mining, mineral leasing, and other related laws.

The bill also directs the Speedway to pay all costs associated with the conveyance, and it requires that, if the Speedway uses the land for any purpose other than a parking lot, the land will revert back to the United States at the discretion of the Secretary.

COMMITTEE ACTION

H.R. 409 was introduced on January 9, 2009, by Representative Dean Heller (R-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. At a hearing before the Subcommittee on March 3, 2009, the Administration testified in support of the bill.

On June 10, 2009, the Subcommittee was discharged from further consideration of H.R. 409 and the Full Natural Resources Committee met to consider the bill. Subcommittee Chairman Grijalva offered an amendment in the nature of a substitute, which was agreed to by unanimous consent. The bill, as amended, was then 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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

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. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management.

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. 409—A bill to provide for the conveyance of certain Bureau of Land Management land in the state of Nevada to the Las Vegas Motor Speedway

H.R. 409 would direct the Bureau of Land Management (BLM) to sell a parcel of federal land located near Las Vegas, Nevada. Proceeds from the sale would be available to BLM without further appropriation for land acquisition programs. Enacting H.R. 409 would increase direct spending—by an estimated \$10 million to \$20 million over the 2010–2014 period—because the bill would allow BLM to spend offsetting receipts that would, under existing law, be deposited in the U.S. Treasury.

The legislation 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.

Under H.R. 409, BLM would sell to the Nevada Speedway, LLC, about 115 acres of federal land adjacent to the company's Las Vegas Speedway, an auto racing complex. The company would pay all administrative costs of the transaction and could only use the purchased land as a parking lot. Proceeds from the sale would be deposited into BLM's federal land disposal account and could be spent, without further appropriation, to acquire other lands within Nevada.

BLM is already authorized to sell the property affected by H.R. 409 (subject to appropriate land use procedures). Unlike current law, however, the bill would allow the proceeds of that sale to be spent without further appropriation. Based on recent land values in the area of the Speedway, CBO estimates that selling the acreage specified by the bill would increase offsetting receipts by \$10 million to \$20 million in 2010 or 2011, about three or four years earlier than under current law. Spending of that amount would occur over the 2010–2014 period. The bill would have no significant effect on discretionary spending and no effect on revenues.

The CBO staff contact for this estimate is Deborah Reis. The 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. 409 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.