

## Calendar No. 628

108TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
108-304

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

JULY 13, 2004.—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. 1521]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1521) 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, strike line 1 and all that follows through page 3, line 7, and insert the following:

**“SEC. 2. DEFINITIONS.”**

2. On page 3, strike lines 15 and 16 and insert the following:

**“SEC. 3. CONVEYANCE OF LAND TO EDWARD H. MCDANIEL AMERICAN  
LEGION POST NO. 22.”**

3. On page 3, line 18, strike “120” and insert “180”.

#### PURPOSE OF THE MEASURE

The purpose of S. 1521 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 1960s. It is inadequate for the veterans' current needs. The nearest facility that can accommodate their needs is located in Las Vegas, more than 60 miles away. S. 1521 will provide land necessary for the Pahrump American Legion to build new facilities that will benefit local veterans and community activities. S. 1521 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. 1521 was introduced by Senators Reid and Ensign on July 31, 2003. The Subcommittee on Public Lands and Forests held a hearing on S. 1521 on May 5, 2004. At the business meeting on June 16, 2004, the Committee on Energy and Natural Resources ordered S. 1521, as amended, favorably reported.

## COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 16, 2004, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1521, if amended as described herein.

## COMMITTEE AMENDMENT

During the consideration of S. 1521, the Committee adopted an amendment that eliminates the Congressional findings and increases the timeframe for completing the conveyance from 120 days to 180 days.

## 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.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, June 21, 2004.

Hon. PETE V. DOMENICI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1521, the Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act.

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

Sincerely,

ELIZABETH ROBINSON  
(For Douglas Holtz-Eakin, Director).

Enclosure.

*S. 1521—Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act*

S. 1521 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. Hence, 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. 1521 would not affect revenues.

S. 1521 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 Megan Carroll. 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. 1521. 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. 1521, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On, May 3, 2004, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1521. These reports had not been received at the time the report on S. 1521 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Bureau of Land Management at the Subcommittee hearing follows:

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

Thank you for inviting me to testify.

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

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.

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. 1521, as ordered reported.