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REPORT
110–315

SOUTHERN NEVADA READINESS CENTER ACT

APRIL 10, 2008.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 815]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 815) to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Nevada Readiness Center Act".

SEC. 2. NEVADA NATIONAL GUARD LAND CONVEYANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, Clark County, Nevada, may convey, without consideration, to the Nevada Division of State Lands for use by the Nevada National Guard approximately 51 acres of land in Clark County, Nevada, as generally depicted on the map entitled "Southern Nevada Readiness Center Act" and dated October 4, 2005.

(b) LIMITATION.—If the land described in subsection (a) ceases to be used by the Nevada National Guard, the land shall revert to Clark County, Nevada, for management in accordance with the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343).

PURPOSE

The purpose H.R. 815 is to authorize the Secretary of the Interior to convey, without consideration and notwithstanding any other provision of law, between 35 and 50 acres of Federal land in Clark County, Nevada, to the Nevada Division of State Lands, for use by the Nevada National Guard.

BACKGROUND AND NEED

H.R. 815 would authorize the Secretary of the Interior to convey lands in Clark County, Nevada, to the Nevada Division of State Lands for use by the Nevada National Guard. The lands to be conveyed are within the disposal boundary of lands identified for sale as part of the Southern Nevada Public Lands Management Act (SNPLMA; Public Law 105–263). These lands are located within the Airport Environs Overlay District for McCarran International Airport, and SNPLMA requires that the land be managed in accordance with airport noise compatibility planning agreements. That law also requires that the lands be sold at public auction, for no less than fair market value, with the sale proceeds distributed among the Bureau of Land Management, the Southern Nevada Water Authority and the State of Nevada's general education fund. H.R. 815 would waive this requirement, allowing the land to be conveyed without consideration for use by the Nevada National Guard.

LEGISLATIVE HISTORY

H.R. 815, sponsored by Rep. Porter, passed the House of Representatives by a voice vote on April 17, 2007. A Senate companion measure, S. 1608, was introduced by Senators Ensign and Reid on June 13, 2007. The Subcommittee on Public Lands and Forests held a hearing on both bills on September 20, 2007. (S. Hrg. 110–216.)

During the 109th Congress, the House of Representatives passed a similar measure, H.R. 4382. That bill was not considered in the Senate.

At its business meeting on January 30, 2008, the Committee on Energy and Natural Resources ordered H.R. 815 favorably reported, with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum present, recommends that the Senate pass H.R. 815, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of H.R. 815, the Committee adopted an amendment in the nature of a substitute. The amendment corrected the acreage reference in the bill and added a reversionary clause, as recommended by the Bureau of Land Management at the subcommittee hearing on the bill. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "Southern Nevada Readiness Center Act."

Section 2(a) provides that notwithstanding any other provision of law, Clark County, Nevada, may convey approximately 51 acres of land in Clark County to the Nevada Division of State Lands for use by the Nevada National Guard, as generally depicted on the referenced map. The conveyance is to be made without consideration.

Subsection (b) states that if the land described in subsection (a) ceases to be used by the Nevada National Guard, the land shall revert to Clark County, Nevada, for management in accordance with the Southern Nevada Public Lands Management Act of 1998 (Public Law 105–263).

COST AND BUDGETARY CONSIDERATIONS

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

H.R. 815—Southern Nevada Readiness Center Act

CBO estimates that enacting H.R. 815 would not significantly affect the federal budget. Under the Southern Nevada Public Land Management Act (SNPLMA), the Bureau of Land Management (BLM) conveyed certain federal land to Clark County, Nevada. That act specifies that, if the county ever conveys the land, it must charge fair market value and give a portion of the proceeds to BLM. The agency could use such proceeds, without further appropriation, to acquire environmentally sensitive property and complete certain projects in Nevada.

H.R. 815 would authorize Clark County to convey to the state of Nevada, for no consideration, about 51 acres of land originally conveyed to the county under SNPLMA. The state would likely establish a National Guard facility on any land it receives under the legislation. Based on information from BLM, CBO expects that the county would not sell the affected land under current law; therefore, we estimate it would generate no significant receipts (or subsequent direct spending) over the next 10 years. We also estimate that H.R. 815 would not affect federal costs for land management, which are subject to appropriation.

H.R. 815 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. Enacting this legislation would benefit the state of Nevada and Clark County.

The CBO staff contact for this estimate is Mark Grabowicz. This estimate was approved by Peter H. Fontaine, 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 H.R. 815. The Act 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 H.R. 815, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 815, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Bureau of Land Management at the September 20, 2007 Subcommittee hearing on H.R. 815 follows:

STATEMENT OF MICHAEL NEDD, ASSISTANT DIRECTOR, MINERALS, REALTY AND RESOURCE PROTECTION, BUREAU OF LAND MANAGEMENT

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify on S. 1608, the Southern Nevada Readiness Center Act. S. 1608 would convey without consideration between 35 and 50 acres of land from Clark County, Nevada, to the Nevada Division of State Lands for use by the Nevada National Guard for defense and security training. All right, title, and interest to these lands was conveyed by the BLM to Clark County, Nevada, in 1999, as directed by Section 4(g) of the Southern Nevada Public Land Management Act of 1998 (SNPLMA), for inclusion in the McCarran Airport Cooperative Management Area (CMA).

The CMA was established in 1992 through an agreement between Clark County and BLM to manage development around McCarran Airport, which services the greater Las Vegas area. As directed by SNPLMA, approximately 5,000 acres of public lands was conveyed by the BLM to Clark County for inclusion in the CMA boundary. SNPLMA requires that Clark County manage the lands in the CMA in accordance with 49 U.S.C. 47504, relating to airport noise compatibility planning, so that development in the CMA is compatible with the nature of airport operations. Further, section (4)(g) of SNPLMA requires that any conveyance of CMA lands by Clark County be for fair market value, and the revenue distributed according to the formula outlined in Section (4)(g) of SNPLMA.

The BLM is mindful that S. 1608 conveys the CMA lands from one public entity to another for important national defense and security purposes. In balancing these considerations against the provisions of SNPLMA that require the sale of CMA lands for fair market value, the BLM supports the bill and the conveyance of the CMA lands for no consideration. However, we suggest that the bill be amended to include a provision that if the State of Nevada ceases to use the lands for the purpose intended in S. 1608, the lands revert to the County to be managed consistent with the provisions of SNPLMA. We also recommend an amendment to correct the acreage identified in S. 1608 from "between 35 and 50 acres" to "approximately 51 acres."

Thank you for the opportunity to testify on S. 1608. We look forward to working with the sponsor and the Committee on this important piece of legislation.

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 exist-

ing law are made by the bills S. 1608 and H.R. 815, as ordered reported.

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