

NEWLANDS PROJECT HEADQUARTERS AND
MAINTENANCE YARD FACILITY TRANSFER ACT

JUNE 25, 2004.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 2831]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2831) to authorize the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District, 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. SHORT TITLE.

This Act may be cited as the “Newlands Project Headquarters and Maintenance Yard Facility Transfer Act”.

SEC. 2. CONVEYANCE OF NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY.

(a) CONVEYANCE.—The Secretary of the Interior shall convey to the Truckee-Carson Irrigation District, Nevada, as soon as practicable after the date of the enactment of this Act and in accordance with all applicable law and the terms of the memorandum of agreement between the District and the Secretary dated June 9, 2003 (Contract No. 3-LC-20-8052), all right, title, and interest of the United States in and to real property within the Newlands Projects, Nevada, known as 2666 Harrigan Road, Fallon, Nevada, and identified for disposition on the map entitled “Newlands Project Headquarters and Maintenance Yard Facility”.

(b) TREATMENT OF PROCEEDS FROM FALLON FREIGHT YARD AS CONSIDERATION.—Notwithstanding any other provision of law to the contrary, amounts received by the United States for the lease and sale of Newlands Project lands comprising the Fallon Freight Yard shall, for purposes of this section, be treated as payment in full of consideration for the property conveyed under subsection (a).

(c) REPORT.—If the Secretary has not completed such conveyance within 12 months after the date of enactment of this Act, the Secretary shall submit a report

to the Congress explaining the reasons the conveyance has not been completed and stating the date by which the conveyance will be completed.

(d) ENVIRONMENTAL REVIEW, REMEDIATION, AND REMOVAL.—The Secretary may not make any conveyance under this section until the completion with respect to the conveyance, in accordance with the memorandum of agreement referred to in subsection (a), of—

(1) compliance with requirements relating to the National Environmental Policy Act of 1969 (42 U.S.C. et seq. 4321 et seq.) and cultural resources; and

(2) environmental site assessments, remediation, or removal.

(e) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act or omission by, or occurrence relating to, the Truckee-Carson Irrigation District or its employees, agents, or contractors relating to the property conveyed under this section and occurring prior to, on, or after the date of such conveyance.

PURPOSE OF THE BILL

The purpose of H.R. 2831 is to authorize the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District.

BACKGROUND AND NEED FOR LEGISLATION

The Newlands Project (Project), one of the oldest Bureau of Reclamation projects, provides Truckee and Carson River waters to approximately 73,000 irrigated acres near Fallon, Nevada. The Truckee-Carson Irrigation District (TCID) operates and maintains the Project. Since August 1972, TCID has leased 40 acres of land from the Bureau of Reclamation to have a site for office headquarters and an operation and maintenance yard. Since the lease agreement will soon expire, TCID has expressed a desire to have title to 35.6 acres of the land. Acquiring title to this land would allow TCID to obtain a loan for purposes of expanding its headquarters. The Bureau of Reclamation would retain 4.4 acres of the land for its Fallon office.

H.R. 2831 directs the Interior Secretary to convey all right, title and interest of the 36.5 acres of the property within the Newlands Project to TCID, pursuant to the terms of a June 9, 2003, memorandum of agreement between TCID and the Secretary of the Interior. The conveyance of the land would be subject to the terms, conditions, and identified tasks (including National Environmental Policy Act compliance) as stipulated in the memorandum of agreement. The Bureau of Reclamation and TCID will each pay 50 percent of the cost of the necessary environmental assessment. TCID will pay all other costs of additional environmental analyses and any remediation. As amended, the bill provides that the federal government is paid in full for the property. The United States will not be liable for damages of any kind arising out of any action by TCID relating to the facilities conveyed under the bill.

COMMITTEE ACTION

H.R. 2831 was introduced by Congressman Jim Gibbons (R-NV) on July 23, 2003. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On October 15, 2003, the Subcommittee held a hearing on the bill. On May 19, 2004, the Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. Mr. Gibbons offered an amendment in the nature of a substitute which provides that the federal

government will be paid in full from amounts received from the lease and sale of the Newlands Project lands comprising the Fallon Freight yard. The amendment was adopted by unanimous consent, and the bill as amended was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION

Section 1 cites the short title as the “Newlands Project Headquarters and Maintenance Yard Facility Transfer Act.”

Section 2 directs the Secretary of the Interior to convey, as soon as practicable after the date of bill enactment, all right, title and interest of the United States property at 2666 Harrigan Road (Newlands Project Headquarters and Maintenance Yard Facility and as identified under Churchill County Assessor’s Parcel Number 006–732–01) in Fallon, Nevada. The conveyance would take place in accordance under applicable law and under the terms of memorandum of agreement (Contract No. 3–LC–20–8052) between TCID and the Interior Secretary. The Committee expects the conveyance to take place immediately upon completion of the terms of the memorandum of agreement.

Upon completion of the terms of the memorandum of agreement, all funds associated with the current lease and future sale of the Newlands Project’s Fallon Freight Yard (as stipulated in Public Law 107–339) will be considered as TCID’s payment in full to the federal government for the value of the 35.6 acres of the Newlands Project Headquarters and Maintenance Yard Facility.

Section 2 also directs the Interior Secretary to submit a report to Congress explaining the reasons the conveyance has not been completed and stating the date by which the conveyance will be completed if the conveyance has not occurred within 12 months after the date of the bill’s enactment. The Interior Secretary may not convey the property until environmental requirements, including the National Environmental Policy Act of 1969, are completed in accordance with the memorandum of agreement. The section further stipulates that the United States shall not be liable for damages of any kind relating to any TCID act relating to the property prior to, on, or after the date of conveyance.

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 Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 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 in-

cluded 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. According to the Congressional Budget Office, enactment of this bill would result in a negligible loss of receipts (\$10/year) to the federal treasury.

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 authorize the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 28, 2004.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2831, the Newlands Project Headquarters and Maintenance Yard Facility Transfer Act.

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

Sincerely,

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

Enclosure.

H.R. 2831—Newlands, Project Headquarters and Maintenance Yard Facility Transfer Act

H.R. 2831 would authorize the Secretary of the Interior to treat the payment authorized under Public Law 107-339 as a payment for the conveyance of an additional 35.6 acres of the Newlands Reclamation Project to the Truckee-Carson Irrigation District. Under that law, the Secretary will convey 6.3 acres of the Newlands Project, known as the Fallon rail freight loading facility, to the city of Fallon, Nevada, at fair market value. The current fair market value of this facility is estimated to be \$115,000.

CBO estimates that enacting this bill would have no significant impact on the federal government. Currently, the bureau leases 35.6 acres of property to the Truckee-Carson Irrigation District for \$10 a year. Therefore, enacting H.R. 2831 would result in a negligible loss of receipts over the 2005-2009 period. In addition, assuming the availability of appropriated funds, CBO estimates that

the Bureau of Reclamation would pay \$3,000 for an environmental property assessment and a survey of the property.

H.R. 2831 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 bill would benefit the Truckee-Carson Irrigation District.

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

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

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.