

## Calendar No. 930

106TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
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### CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY

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OCTOBER 3 (legislative day, SEPTEMBER 22), 2000.—Ordered to be printed  
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Mr. MURKOWSKI, from the Committee on Energy and Natural  
Resources, submitted the following

### REPORT

[To accompany H.R. 3023]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 3023) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

On page 6, lines 12 through 24 amend paragraph (c)(2) to read as follows:

“(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined taking into account that the land is undeveloped, that 80 acres is intended to be dedicated to use by the United States for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes.”.

#### PURPOSE OF THE MEASURE

The purpose of H.R. 3023 is to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey approximately 330 acres of land to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

## BACKGROUND AND NEED

Beginning in the early 1990s, automobile and truck traffic at the United States Port of Entry in Yuma County, Arizona, began to experience serious delays, particularly with commercial traffic. The current port of entry is located directly in the heart of the city of San Luis, just south of downtown Yuma. With the passage of the North American Free Trade Agreement, traffic through this port of entry has become an even more serious problem.

At present, the volume of commercial and private vehicles crossing the border at San Luis is exceeding the capacity of the existing port of entry. The solution developed among local governments and affected State and Federal agencies is to move the commercial vehicle crossing to an undeveloped area five miles east of San Luis. The solution will enhance efficiency, health and safety by pulling heavy truck traffic out of the down town areas of the twin cities of San Luis, Mexico, Rio Colorado and San Luis, Arizona.

To construct this new commercial port of entry, the Greater Yuma Port authority was formed. The Port Authority identified 330 acres of undeveloped desert land currently owned by the Bureau of Reclamation, which has been declared as surplus by the agency. H.R. 3023 would convey this Bureau of Reclamation land to the Greater Yuma Port Authority at fair market value to construct the new commercial Port of Entry.

## LEGISLATIVE HISTORY

H.R. 3023 was introduced by Representative Pastor on October 12, 1999. On June 26, 2000 the bill passed the House of Representatives by a vote of 404 to 1. Companion legislation, S. 2834, was introduced on June 30, 2000 by Senator Kyl. The Subcommittee on Forests and Public Land Management held a hearing on S. 2834 and H.R. 3023 on July 20, 2000. At the business meeting on September 20, 2000, the Committee on Energy and Natural Resources ordered H.R. 3023 favorably reported without amendment.

## COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on September 30, 2000, by a voice vote of a quorum present, recommends that the Senate pass H.R. 3023 without amendment.

## SECTION-BY-SECTION ANALYSIS

Section (1)(a)(1) authorizes the Secretary of the Interior to convey certain lands or interest therein, within 5 years, as described in paragraph (2).

Paragraph (2) describes the parcels of lands and interests.

Subsection (b) describes the covenants and conditions that the conveyances described in paragraph (2) are subject to.

Subsection (c) requires the Greater Yuma Port Authority to pay fair market value for the parcels conveyed, subject to certain price adjustments. The subsection allows for a reduction in the amount to be paid to cover the cost of compliance with subsection (e) and to reflect the fact that the Federal Government will be using 80 acres of the site and retaining numerous rights-of-way.

Subsection (d) requires the Greater Yuma Port Authority to use the parcels solely for the purpose of constructing and operating an international port of entry and related activities.

Subsection (e) requires that any actions necessary under the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, and other applicable Federal laws must be completed at no cost to the United States before the conveyances.

Subsection (f) requires coordination with Federal agencies with respect to a border strip.

Subsection (g) requires a satisfactory survey to determine exact acreage and legal descriptions of the property conveyed, which will be paid for by the Greater Yuma Port Authority.

Subsection (h) defines key terms used in the Act.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 2, 2000.*

Hon. FRANK H. MURKOWSKI,  
*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 H.R. 3023, an act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

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

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 3023—An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry*

H.R. 3023 would authorize the Secretary of the Interior to convey certain lands to the Greater Yuma Port Authority of Yuma County, Arizona. As a condition of conveyance, the port authority would have to pay the fair market value of the land, as of the date of the legislation's enactment. The legislation would require the port authority to use these lands only for the construction and operation of an international port of entry and related activities.

CBO estimates that H.R. 3023 would not have a significant effect on the federal budget. Based on information from the Bureau of Reclamation and the General Services Administration, CBO estimates that the federal government would receive about \$300,000 from the sale of lands to the Greater Yuma Port Authority. Cur-

rently, this property does not generate any receipts for the federal government; however, the agency plans to sell the property in the future. CBO expects that sale of the property for the fair market value in 2001 would offset any forgone receipts from sale under current law at a later date. Because enacting H.R. 3023 would affect offsetting receipts (a form of direct spending), pay-as-you-go procedures would apply.

H.R. 3023 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act. State and local governments would probably incur some costs as a result of the legislation's enactment, but these costs would be voluntary. Further, the surrounding communities would benefit from the purchase of the land, which would enable them to construct a new port of entry for commercial traffic between the United States and Mexico. This new port of entry would reduce delays at the existing border crossing at San Luis, Arizona.

On June 23, 2000, CBO transmitted a cost estimate for H.R. 3023 as ordered reported by the House Committee on Resources on May 24, 2000. The two versions of this legislation are the same, as are our cost estimates.

The CBO staff contacts for this estimate are Rachel Applebaum (for federal costs), and Marjorie Miller (for the state and local impact). 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 XXVVI of the standing rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3023.

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 H.R. 3023, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On September 20, 2000, 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 H.R. 3023. These reports had not been received at the time the report on H.R. 3023 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 Reclamation at the Subcommittee hearing on H.R. 3023 follows.

#### STATEMENT OF ROBERT QUINT, ACTING CHIEF OF STAFF, BUREAU OF RECLAMATION

Thank you for the opportunity to provide the Department of the Interior's views on S. 2834 and the companion bill, H.R. 3023, to convey undeveloped property to the

Greater Yuma Port Authority for use as an international port of entry.

S. 2834 and H.R. 3023 would authorize the Secretary of the Interior to convey approximately 339 acres managed by the Bureau of Reclamation to the Greater Yuma Port Authority for use as an international port of entry. The Greater Yuma Port Authority, comprised of the cities of San Luis and Somerton, Yuma County and Cocopah Tribe, would pay fair market value for the property. Prior to conveyance, the Secretary would have to comply with all applicable Federal laws, including the National Environmental Policy Act, the Endangered Species Act and the National Historic Preservation Act.

The purpose of this bill is to alleviate traffic problems at the present border crossing in San Luis by building a new crossing for commercial vehicles five miles east of the existing port of entry. The Bureau of Reclamation does not need these lands and would like to assist in this effort.

The Department recommends one technical change in the legislation. Section (e) which calls for full compliance with all applicable laws *at no cost to the United States* (emphasis added) is inconsistent with Section (c)(2)(B) which would deduct the cost of compliance with applicable laws from the fair market value the United States would receive for the lands conveyed. The Department recommends deletion of Section (c)(2)(B).

Thank you for holding this hearing. I would be pleased to answer any questions you may have.

#### 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 Act H.R. 3023 as ordered reported.

