

## Calendar No. 307

104TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 104-205

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### LAND CONVEYANCE TO EUFAULA, OKLAHOMA

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JANUARY 26, 1996. Ordered to be printed

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Mr. CHAFEE, from the Committee on Environment and Public Works, submitted the following

### R E P O R T

[To accompany S. 1406]

The Committee on Environment and Public Works, to which was referred the bill (S. 1406), to authorize the Secretary of the Army to convey to the city of Eufaula, Oklahoma, a parcel of land located at the Eufaula Lake project, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### GENERAL STATEMENT

##### SUMMARY

The purpose of this bill is to provide for the conveyance of approximately four acres of land at the Eufaula Lake project from the Secretary of the Army to the city of Eufaula, Oklahoma, at fair market value. The Army Corps of Engineers acquired this parcel of land under authority provided by the 1946 River and Harbor Act to construct the existing Eufaula Lake project.

The parcel of land described in the legislation is separated from the rest of the Eufaula Lake project by a highway and is non-contiguous property. The property serves no identifiable project purpose. It has been determined by the Army Corps of Engineers that conveyance of the property will have no impact on the project. S. 1406 will allow for a more beneficial use of the property.

##### SECTION-BY-SECTION ANALYSIS

###### *Section 1. Conveyance of Land at Eufaula Lake Project.*

Section 1(a) provides that the Secretary may convey to the city of Eufaula, Oklahoma, all right, title, and interest of the United

States in and to a parcel of land consisting of approximately 4 acres located at the Eufaula Lake project.

Section 1(b) provides that consideration for the conveyance under subsection (a) shall be the fair market value of the land, as determined by the Secretary, and payments of all costs of the United States in making the conveyance, including the costs of—

- (1) the environmental baseline survey required under Section 1(d) of this act;
- (2) any other necessary survey or survey monumentation;
- (3) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
- (4) any coordination necessary with respect to requirements relating to endangered species, cultural resources, and clean air (including the costs of agency consultation and public hearings).

Section 1(c) provides that the exact acreage and description of the parcel to be conveyed under subsection (a) shall be determined by such surveys as the Secretary considers necessary, to be carried out to the satisfaction of the Secretary.

Section 1(d) provides that prior to making the conveyance under subsection (a) of this act, the Secretary shall conduct an environmental baseline survey to determine the levels of any contamination, as of the date of the survey, for which the United States would be responsible under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and any other applicable law.

Section 1(e) provides that the conveyance under subsection (a) shall be subject to valid existing rights and to retention by the United States of a flowage easement over all portions of the parcel that lie below the flowage easement contour for the Eufaula Lake project.

Section 1(f) provides that the conveyance under subsection (a) shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

#### HEARINGS

No hearings were held on the bill.

#### ROLL CALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any roll call votes taken during consideration of legislation be noted in the report on that legislation.

At the business meeting of the Committee on Environment and Public Works on December 19, 1995, the bill S. 1406 was ordered to be reported favorably by voice vote. No roll call vote was taken.

#### REGULATORY IMPACT

In compliance with Section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact of the bill.

The bill does not create any additional regulatory burdens.

## COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, January 23, 1996.*

Hon. JOHN H. CHAFEE,  
*Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has reviewed S. 1406, which would authorize the Secretary of the Army to sell certain property to the city of Eufaula, Oklahoma, as ordered reported by the Senate Committee on Environment and Public Works on December 19, 1995. Enactment of the bill would result in an asset sale that would not significantly affect the budget of the federal government.

S. 1406 would authorize the Secretary of the Army to sell about four acres of land to the city of Eufaula. The proceeds from the sale, which CBO estimates would total less than \$100,000, would be deposited in the Treasury as offsetting receipts.

Consistent with the fiscal year 1996 budget resolution, the proceeds from asset sales are counted in the budget totals for purposes of Congressional scoring. Under the Balanced Budget and Emergency Deficit Control Act of 1985, however, the proceeds from asset sales are not counted in determining compliance with discretionary spending limits or the pay-as-you-go requirement.

The land conveyance authorized by this bill would be entered into voluntarily by the city of Eufaula, Oklahoma. Therefore, CBO estimates that this bill would impose no intergovernmental mandates as defined by Public Law 104-4. Furthermore, the bill would impose no new private sector mandates, also as defined by Public Law 104-4.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kent Christensen, who can be reached at 226-2840.

Sincerely,

JUNE E. O'NEILL.

## CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes to existing law must be shown if applicable. No change to existing law would occur with passage of this legislation.