

AUTHORIZING THE ADMINISTRATOR OF VETERANS' AFFAIRS TO
GRANT EASEMENTS IN LANDS BELONGING TO THE UNITED
STATES UNDER HIS SUPERVISION AND CONTROL

MAY 16 (legislative day, APRIL 21), 1947.—Ordered to be printed

Mr. MILLIKIN, from the Committee on Finance, submitted the
following

REPORT

[To accompany H. R. 1844]

The Committee on Finance, to whom was referred the bill (H. R. 1844) to authorize the Administrator of Veterans' Affairs to grant easements in lands belonging to the United States under his supervision and control, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The House report on this bill is self-explanatory and is as follows:

EXPLANATION OF THE BILL

This bill is approved by the Bureau of the Budget. It was introduced at the request of the Administrator of Veterans' Affairs for the purpose of authorizing the Administrator of Veterans' Affairs to grant to any State, or any agency or political subdivision thereof, or to any public-service company, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control.

The proposed measure is designed to obviate the necessity for enacting legislation by way of independent act in each instance to authorize an easement or right-of-way. Delay ensuing from legislative process in some instances jeopardizes the interests of the Government. Easements on rights-of-way are not favorably considered except where they are in the interests of the Government.

The draft bill was coordinated with the Attorney General and has the approval of the Bureau of the Budget. Other departments have similar authority, this bill being in form similar to the law now administered by the Department of Justice.

The letter from the Administrator of Veterans' Affairs to the Speaker of the House of Representatives is as follows:

VETERANS' ADMINISTRATION,
Washington, D. C., February 4, 1947.

Hon. JOSEPH W. MARTIN, Jr.,

Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: There is transmitted herewith a draft of bill to authorize the Administrator of Veterans' Affairs to grant easements in lands belonging to the United States under his supervision and control, and for other purposes, with the request that it be introduced in order that it may be considered for enactment.

The purpose of the proposed legislation is to confer upon the Administrator of Veterans' Affairs authority to grant to any State, or any agency or political subdivision thereof, or to any public-service company, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control. The drafted bill is designed to require personal action by the Administrator in the exercise of the authority proposed by the bill.

Under existing law, the Administrator of Veterans' Affairs is not vested with such general authority, and it is necessary to request the Congress to enact legislation in each individual transaction pertaining to the granting of an easement or right-of-way in land held by the United States and controlled by the Veterans' Administration. Even such a matter as the construction of a sidewalk by a municipality upon land occupied by a Veterans' Administration hospital cannot be undertaken until an appropriate easement for the project has been authorized by act of Congress.

If the proposed legislation is enacted it will no longer be necessary for the Administrator of Veterans' Affairs to submit to the Congress, for consideration and enactment, special authorizing legislation respecting each and every such grant which is deemed desirable and in the interests of the Government. When a request for an easement or a right-of-way is received by the Veterans' Administration and the facts clearly indicate that the interests of the Government would be furthered by granting the same, the nature of the project involved ordinarily requires prompt action. The time consumed by the submission of each such case to the Congress for authorization involves a delay which may in some instances jeopardize the interests of the Government. The proposed legislation, if enacted would greatly expedite the handling of such transactions and would accomplish a material saving in time and expense.

Since September of 1940, 10 laws have been enacted authorizing the Administrator of Veterans' Affairs, to grant specified easements in particularly described land under his control. The number of requests for such legislation and the need therefor will doubtless increase during the coming years, with the execution of the greatly expanded hospital program of the Veterans' Administration. It is believed, therefore, that the need for general authority such as that provided in the proposed legislation will become increasingly more urgent in the future than it has been in the past.

Sound precedent exists for the enactment of legislation of this character. Authority to grant rights-of-way has been conferred by law upon several of the departments of the Government having under their control substantial tracts of land belonging to the United States. The Secretary of the Interior is vested with the authority to grant certain rights-of-way over the public lands, national parks, and Indian lands. The Secretary of Agriculture has been given authority to grant the use of certain types of rights-of-way over the national forest lands. The Secretary of War is authorized to grant easements for rights-of-way over military reservations and lands acquired by the United States for river and harbor and flood-control purposes. The Attorney General is also authorized to grant easements in lands under his supervision and control.

As above indicated, the bill, if enacted, will result in a material saving of time and expense.

Advice has been received from the Bureau of the Budget that there would be no objection by that office to the submission of the proposed legislation to the Congress.

Sincerely yours,

OMAR N. BRADLEY,
General, United States Army, Administrator.

The committee is in accord with the purposes of the bill and recommends its enactment.

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