

LAND TRANSFER TO STATE OF TENNESSEE

MAY 7 (legislative day, MAY 1), 1952.—Ordered to be printed

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

REPORT

[To accompany S. 2959]

The Committee on Finance, to whom was referred the bill (S. 2959) authorizing the transfer to the State of Tennessee of certain lands in the Veterans' Administration Center, Mountain Home, Tenn., having considered the same, report favorably thereon with amendments, and recommend that the bill, as amended, do pass.

The amendments are as follows:

Delete all of section 1 of the bill following the colon in line 8, page 1, and insert in lieu thereof the following:

Approximately thirty acres of land comprising the westerly portion of the Veterans' Administration Center, the exact courses and distances of the perimeter of which shall be determined and approved by the Administrator of Veterans' Affairs, together with all buildings and improvements thereon, and all appurtenances and utilities belonging or appertaining thereto. The State of Tennessee shall pay the cost of surveys as may be required by the Administrator of Veterans' Affairs in determining the required legal description: *Provided*, That the State of Tennessee shall perpetuate and provide for the maintenance of the cemetery located on the property.

On page 3, line 23, strike out the language "sections 2, 3, and 4 of".

EXPLANATION OF AMENDMENTS

The description of the land in the bill to be transferred was considered inadequate and in order to preclude any administrative difficulty in the drafting of an instrument of conveyance, the committee deemed it advisable to require the State of Tennessee to pay the cost of surveys to determine the legal required description of the property to be transferred. The amendment will further require perpetuation and maintenance of the cemetery located on this property.

PURPOSE OF BILL

To provide for the transfer, without consideration, by the Administrator of Veterans' Affairs to the State of Tennessee, for use primarily for training of the National Guard and for other military purposes, a tract of land containing approximately 30 acres situated within the boundaries of the reservation of the Veterans' Administration Center, Mountain Home (Johnson City), Tenn.

GENERAL STATEMENT

The bill provides that the land would revert to the United States in the event that the State of Tennessee ceases to use the tract of land primarily for the training of the National Guard and other military purposes. Provision is also made in the bill for the reservation to the United States of all minerals, including oil and gas, as well as for reentry upon and use of the property by the United States in the event of a war or other national emergency.

The 30 acres of land proposed to be transferred has an estimated value of \$500 per acre, or approximately \$15,000 for the entire tract.

The report from the Veterans' Administration on this bill is as follows:

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR,
Washington, D. C., May 6, 1952.

HON. WALTER F. GEORGE,
Chairman, Committee on Finance,
United States Senate, Washington 25, D. C.

DEAR SENATOR GEORGE: Further reference is made to your letter of April 4, 1952, requesting a report by the Veterans' Administration relative to S. 2959, Eighty-second Congress, a bill authorizing the transfer to the State of Tennessee of certain lands in the Veterans' Administration Center, Mountain Home, Tenn.

The bill would provide for the transfer, without consideration, by the Administrator of Veterans' Affairs to the State of Tennessee, for use primarily for training of the National Guard and for other military purposes, of a described tract containing approximately 30 acres of land situated within the present boundaries of the reservation of the Veterans' Administration Center, Mountain Home (Johnson City), Tenn. Under the terms of the bill, in the event the State of Tennessee ceases to use the tract for the mentioned purposes, it would revert to the United States. Provision is also made for the reservation to the United States of all minerals, including oil and gas, in the land to be conveyed, and section 4 provides for the reentry upon and use of the property by the United States, under stated conditions, in the event of a war or other national emergency.

Attention is invited to the description of the land in the bill. Such description is considered inadequate since the point of beginning is not sufficiently identified in relation to any established monument. Accordingly, and in order to preclude any administrative difficulty in the drafting of an instrument of conveyance, amendment of the description is necessary in the event the bill is favorably considered. This could be accomplished by deleting all of section 1 of the bill following the colon in line 8, page 1, and by inserting in lieu thereof a provision reading substantially as follows:

"Approximately thirty acres of land comprising the westerly portion of the Veterans' Administration Center, the exact courses and distances of the perimeter of which shall be determined and approved by the Administrator of Veterans' Affairs, together with all buildings and improvements thereon, and all appurtenances and utilities belonging or appertaining thereto. The State of Tennessee shall pay the cost of surveys as may be required by the Administrator of Veterans' Affairs in determining the required legal description."

Correspondence of record in the Veterans' Administration indicates that the State of Tennessee contemplates making certain improvements on the tract of land in question, but that such improvements will depend, in part at least, upon

the appropriation of certain Federal funds. The Veterans' Administration is not advised with respect to the availability of such funds. Since the Department of Defense is undoubtedly in a position to furnish your committee with further information relative to this matter, and in view of that Department's proposed function under section 4 of the bill, it is suggested that you may desire to secure the views of the Secretary of Defense relative to the proposal.

The Veterans' Administration Center at Mountain Home, Tenn., consists of domiciliary barracks and a hospital with a preponderance of general medical and surgical patients, located on a tract of approximately 425 acres of land. The Mountain Home reservation was acquired by the board of managers of the National Home for Disabled Volunteer Soldiers, by purchase at various times, under the authority of the act of January 28, 1901 (31 Stat. 745). Pursuant to section 3 of the act of July 3, 1930 (46 Stat. 1016), all property, the title to which then stood in the name of the board of managers, was transferred to and the title thereof vested in the United States. Based on authority contained in the same act, the President, by Executive Order 5398, dated July 21, 1930, transferred the property of the National Home to the Veterans' Administration.

The tract of land in question which, as indicated, contains approximately 30 acres, constitutes the westerly portion of the present Veterans' Administration Center and is located roughly one-half mile from the principal group of buildings on the Veterans' Administration reservation. The land has an estimated value of \$500 per acre, or approximately \$15,000 for the entire tract. Two photostats of a map of the Veterans' Administration installation in Mountain Home, Tenn., with the parcel proposed for conveyance colored in blue, are enclosed for the use of the committee. Except for a small cemetery located thereon, the land is unimproved. The cemetery referred to contains graves dating from the period of the Revolutionary War. The local chapter of the National Society of the Daughters of the American Revolution has evidenced an interest in its perpetuation, and the Veterans' Administration currently provides limited maintenance of the cemetery. Such maintenance will, of course, be terminated in the event the bill is enacted and the land in question transferred to the State of Tennessee. Accordingly, if the committee should desire to assure the perpetuation of this cemetery, the bill should be amended so as to require the State of Tennessee to maintain the cemetery.

Consideration has been given to declaring the land excess to the needs of the Veterans' Administration, but no formal action has been taken to date in that regard. It is believed that the conveyance of this property to the State of Tennessee, under the terms and conditions set forth in the bill, will not interfere with the present or prospective operation of the Veterans' Administration Center at Mountain Home. It is the view of the Veterans' Administration that the question of donating property owned by the Federal Government, as proposed by S. 2959, involves a question of broad public policy and is, accordingly, a matter primarily for the consideration of, and determination by, the Congress.

Advice has not been received from the Bureau of the Budget as to the relationship of the proposed legislation to the program of the President.

Sincerely yours,

O. W. CLARK
(For Carl R. Gray, Jr., Administrator).

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