

CONVEYANCE OF B.F. SISK FEDERAL BUILDING AND
UNITED STATES COURTHOUSE, CALIFORNIA

NOVEMBER 4, 2003.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 1274]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 1274) to direct the Administrator of
General Services to convey to Fresno County, California, the exist-
ing Federal courthouse in that county, 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. CONVEYANCE OF B.F. SISK FEDERAL BUILDING AND UNITED STATES COURTHOUSE, CALIFORNIA.

(a) **CONVEYANCE AUTHORIZED.**—Notwithstanding any other provision of law, the Administrator of General Services may convey to Fresno County, California, for nominal consideration, all right, title, and interest of the United States in and to the building and site located at 1130 O Street in Fresno, California, known as the B.F. Sisk Federal Building and United States Courthouse.

(b) **TIMING OF CONVEYANCE.**—The Administrator may make the conveyance under subsection (a) only after the completion of construction of a new Federal courthouse in Fresno County and the relocation of the tenants in the building referred to in subsection (a) to the new Federal courthouse.

(c) **RESTRICTIONS ON USE.**—

(1) **IN GENERAL.**—The deed for the conveyance under subsection (a) shall include a covenant that provides that the property will be used for public use purposes, and specifically provides for substantial use of the property for the administration of justice.

(2) **REVERSION.**—If the Administrator determines that the property is not being used for the purposes described in paragraph (1), all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(3) EXPIRATION.—The reversionary interest of the United States in the property under this subsection shall expire 20 years after the date of the conveyance.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(e) APPLICATION OF OTHER LAWS.—This section is not subject to the provisions of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.).

PURPOSE OF THE LEGISLATION

H.R. 1274 directs the Administrator of the General Services to transfer the United States Courthouse located in Fresno, California to Fresno County, California upon completion of the new courthouse under construction.

BACKGROUND AND NEED FOR THE LEGISLATION

Originally introduced by Mr. Dooley, Mr. Radanovich, Mr. Cardoza, and Mr. Nunes, H.R. 1274 authorizes the Administrator of General Services to convey the building located at 1130 “O” Street in Fresno, known as the B.F. Sisk Federal Building and United States Courthouse, to Fresno County, California. The conveyance will take place after the General Services Administration completes a new courthouse in Fresno, California. The bill requires that the courthouse remain in use as a public building and courthouse.

SUMMARY OF THE LEGISLATION

Section 1. Conveyance

This section instructs the Administrator of General Services to convey the United States Court House to Fresno County, California. It also includes a number of requirements that must be met prior to the conveyance. This section requires that the Administrator only convey the courthouse after the completion and occupancy of a new courthouse under construction. This section also requires that the conveyance include a 20-year reversionary clause that the courthouse be used for public use purposes. This section also allows the Administrator to include such other terms and conditions as are deemed necessary. Finally, the section exempts this building from the provisions of the McKinney-Vento Homeless Assistance Act.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On September 24, 2003, the Subcommittee met in open session and considered H.R. 1274, a bill to authorize the Administrator of General Services to convey to Fresno County, California the B.F. Sisk Federal Building and United States Courthouse located at 1130 O Street in Fresno, California. The Subcommittee adopted an amendment offered by Mr. LaTourette unanimously, by voice vote, with a quorum present. A motion by Ms. Norton to order H.R. 1274, as amended, favorably reported to the Full Committee was agreed to unanimously, by voice vote with a quorum present. There were no recorded votes taken during Subcommittee consideration of H.R. 1274, as amended.

On October 1, 2003, the Full Committee met in open session and ordered reported H.R. 1274, as amended. A motion by Mr.

LaTourette to order H.R. 1274, as amended, favorably reported to the House was agreed to unanimously, by voice vote with a quorum present. There were no recorded votes taken during consideration of H.R. 1274, as amended.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each roll call vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no roll call votes taken in ordering H.R. 1274, as amended, favorably reported.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the bill contains no measures that authorize funding, so no statement of general performance and objectives is required.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1274 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 22, 2003.

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1274, a bill to direct the Administrator of General Services to convey to Fresno County, California, the existing federal courthouse in that county.

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

Sincerely,

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

Enclosure.

H.R. 1274—A bill to direct the Administrator of General Services to convey to Fresno County, California, the existing federal courthouse in that county

H.R. 1274 would allow the Administrator of the General Services Administration (GSA) to convey the B.F. Sisk Federal Building and United States Courthouse located in Fresno, California to Fresno County, California. CBO estimates that this conveyance would not have a significant impact on the federal budget.

H.R. 1274 would require that the conveyance be made after a new federal courthouse is constructed and the tenants in the B.F. Sisk Federal Building are relocated. In addition, the legislation would require that the property be used for public purposes, including the administration of justice, for up to 20 years. Finally, the bill would require that the county pay a nominal consideration for the property.

Based on information from GSA, CBO expects that the property will be reported as surplus to the federal government after a new federal courthouse is completed in Fresno County in May 2005. Under current law, surplus property may be made available for use by the homeless at little or no cost before offering the property for negotiated or public sale. Any cash payments resulting from negotiated or public sales are deposited in the Treasury as off setting receipts (a credit against direct spending).

Based on an environmental assessment of the building prepared by a private environmental consulting firm and information from GSA, CBO expects that the Department of Housing and Urban Development would find the building to be suitable for use by the homeless and that, under current law, it would likely be conveyed for that purpose at no cost after 2005. Thus CBO estimates that conveying the building at little or no cost to Fresno County, California would not result in a loss of offsetting receipts from the sale of this building.

H.R. 1274 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.

The CBO staff contact is Matthew Pickford. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local or tribal law. The Committee states that H.R. 1274 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104-1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 1274, as amended, makes no changes in existing law.

