

FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT
 REAL PROPERTY ACT OF 2005

FEBRUARY 3, 2006.—Ordered to be printed

Mr. BARTON of Texas, from the Committee on Energy and
 Commerce, submitted the following

R E P O R T

[To accompany H.R. 3699]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3699) to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes, having considered the same, report thereon with amendments and without recommendation.

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AMENDMENT

The amendments (stated in terms of the text reported on November 18, 2005 by the Committee on Government Reform; H. Rept. 109-316, part 1) are as follows:

In section 101, strike subsection (d).

Strike section 402.

Redesignate sections 403 and 404 as sections 402 and 403, respectively.

PURPOSE AND SUMMARY

H.R. 3699 authorizes the exchange of certain land parcels between the Federal Government (the General Services Administration (GSA) and the Department of Interior's National Park Service (NPS)) and the District of Columbia. H.R. 3699, as reported by the Committee on Government Reform, contained sections 101(d) and 402, which were provisions to limit any environmental liability, response actions, remediation, corrective action, damages, costs or expenses for the District of Columbia associated with any property for which title is conveyed to the Federal government, or vice versa as the case may be. In addition, these sections stated that all liability, responsibility, remediation, damages and costs required by applicable Federal, state, and local law, including the Comprehensive Environmental Response, Compensation, and Liability Act, Clean Air Act, Solid Waste Disposal Act, and other enumerated environmental laws shall not be borne by the conveyor of the identified property.

BACKGROUND AND NEED FOR LEGISLATION

On July 15, 2005, with the strong support of the District of Columbia, the Bush Administration proposed that Congress authorize the transference of land between the Federal Government and the District of Columbia. H.R. 3699 is the legislative embodiment of authorization to exchange certain land parcels between the General Services Administration, the Secretary of the Interior and the District of Columbia.

In some cases, the District has administrative jurisdiction over certain parcels, allowing D.C. to develop, operate, and manage the parcels. Under a transfer of jurisdiction, the transferor retains ownership of the property while the transferee may be given authority to administer and maintain (manage) the property. Title to property allows the owner to possess, control, and assert all rights over the property.

HEARINGS

The Committee on Energy and Commerce has not held hearings on the legislation.

COMMITTEE CONSIDERATION

On Thursday, December 15, 2005, the full Committee met in open markup session and ordered H.R. 3699 reported to the House, without recommendation, as amended, by a voice vote, a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no record votes taken in connection with ordering H.R. 3699 reported. A motion by Mr. Barton to order H.R. 3699 reported to the House, without recommendation, as amended, was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has not held oversight or legislative hearings on this legislation.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goal of H.R. 3699 is to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3699, the Federal and District of Columbia Government Real Property Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 27, 2005.

Hon. JOE BARTON,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3699, the Federal and District of Columbia Real Property Act of 2005.

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

Sincerely,

DONALD B. MARRON,
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 3699—Federal and District of Columbia Real Property Act of 2005

H.R. 3699 would authorize the exchange of 29 parcels of land between the Federal Government and the District of Columbia. CBO estimates that enacting H.R. 3699 would not significantly affect the federal budget. The bill contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would terminate certain claims of the District of Columbia against the United States. CBO estimates, however, that the cost of this mandate would not exceed the threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation). The land exchanges authorized by this bill generally would benefit the District, and any costs it would incur to fulfill the conditions of those exchanges would be incurred voluntarily. The bill would impose no other costs on any state, local, or tribal government. H.R. 3699 contains no private-sector mandates as defined in UMRA.

Under the bill, the District of Columbia would get title to nine National Park Service (NPS) and two General Services Administration (GSA) properties, including 66 acres around the site of the former D.C. General Hospital, Poplar Point (approximately 100 acres on the east side of the Anacostia River adjacent to the 11th Street Bridge), 15 acres of the Robert F. Kennedy Stadium parking lot, and four other small Potomac Avenue parcels (to permit development of the proposed baseball stadium in southeast Washington). The District of Columbia also would gain administrative jurisdiction (which includes administration and maintenance, but not title) over seven smaller NPS properties.

In exchange, the NPS would gain administrative jurisdiction over eight properties and title to two others. GSA would gain title to five buildings on the west campus of St. Elizabeth's Hospital in southeast Washington. In addition, as part of the exchange, the United States would gain release from all current claims by the District regarding St. Elizabeth's Hospital, and the District would cover all costs associated with the relocation of federal facilities currently located at Poplar Point (headquarters of the National Capital Parks-East and the U.S. Park Police Anacostia Operations and Helicopter Facilities).

CBO estimates that conveying those federal properties to the District would not affect offsetting receipts because NPS and GSA have no plans for declaring the affected properties excess to their needs and selling them. In addition, the properties generate no significant receipts that could be lost as a result of the exchange.

Enacting H.R. 3699 could result in savings to the Federal Government from the release of all current claims by the District regarding St. Elizabeth's Hospital, but at present, such claims have not been adjudicated and CBO cannot estimate the value of such savings, if any.

On October 12, 2005, CBO transmitted a cost estimate for H.R. 3699 as ordered reported by the House Committee on Government Reform on September 29, 2005. On December 12, 2005, CBO transmitted a cost estimate for H.R. 3699 as ordered reported by the House Committee on Transportation and Infrastructure on Decem-

ber 7, 2005. The three versions of the legislation are similar, and our cost estimates are the same.

The CBO staff contacts for federal costs are Matthew Pickford and Deborah Reis. The CBO staff contact for the intergovernmental impact is Marjorie Miller. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director of Budget Analysis.

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.

ADVISORY COMMITTEE STATEMENT

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

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8.

APPLICABILITY TO 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.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

The Committee deleted sections 101(d) and 402 contained in H.R. 3699, which legislatively changed the environmental liability of some Federal agencies of the United States and the District of Columbia at certain parcels of land. The Committee intends for the United States and the District of Columbia to, as appropriate and necessary, voluntarily enter into a contract or other agreement setting forth each party's responsibilities for payment of or reimbursement for costs or expenses. Specifically, nothing changes the statutory obligations, responsibilities, or liabilities of the United States or the District of Columbia under environmental laws, including Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

The bill was referred to this committee for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of this committee pursuant to clause 1(f) of rule X of the Rules of the House of Representatives. The changes made to existing law by the amendment reported by the Committee on Government Reform are shown in the report filed by that committee (Rept. 109-316, Part 1). The amendments made by this committee do not make any changes to existing law.