

SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION
ACT OF 2009

MARCH 25, 2009.—Ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 608]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 608) to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

H.R. 608, the “Smithsonian Institution Facilities Authorization Act of 2009”, authorizes the Board of Regents of the Smithsonian Institution to design and construct laboratory space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland, authorizes the Board of Regents to construct laboratory space to accommodate the terrestrial research program of the Smithsonian Tropical Research Institute in Gamboa, Panama, and authorizes the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland.

BACKGROUND AND NEED FOR LEGISLATION

The Smithsonian Environmental Research Center (“SERC”) is a global leader in the study of ecosystems in the coastal zone. Founded on the site of an abandoned 1930s dairy farm in Edgewater, Maryland, the SERC facilities include a mosaic of farm buildings, the Mathias Laboratory, ten temporary trailers, an administrative

building, and a variety of lab support spaces. Nearly one-half of SERC's 146 employees and fellows conduct the majority of their work in trailers. The Board of Regents of the Smithsonian Institution requests authority to design and construct laboratory space to accommodate the Mathias Laboratory at SERC.

The Smithsonian Tropical Research Institute ("STRI") is the principal United States organization devoted to research in tropical biology. Tropical biology is critical to finding untapped resources to add to the important supply of food, pharmaceuticals, and fiber of tropical regions. STRI has outgrown the space available at its current facilities and this bill provides for construction of a new lab in Gamboa, Panama. The terrestrial research program is critical to understanding the role that tropical plants and soils play in global climate change models and for enriching knowledge of tropical biodiversity. The Board of Regents of the Smithsonian Institution requests authority to construct laboratory space to accommodate the terrestrial research program of STRI in Gamboa, Panama.

The Smithsonian Institution currently leases a 55,000-square foot greenhouse complex on the campus of the Armed Forces Retirement Homes ("AFRH") in Washington, DC, for its horticultural operations. The AFRH is redeveloping the site that houses the Smithsonian Institution greenhouses. The Smithsonian Institution's lease expired on September 30, 2008, which creates a need for the Smithsonian Institution to find alternative space to house its horticultural operations. The Board of Regents of the Smithsonian Institution requests authority to construct a new greenhouse facility at the Smithsonian Institution's Suitland, Maryland site. This project includes site preparation, a 10,900-square foot head house, and 44,500-square foot greenhouse, along with outdoor growing and storage areas. To limit design requirements, expedite construction, and reduce costs, the Smithsonian Institution will use off-the-shelf prefabricated building kits to construct the polycarbonate plastic greenhouse.

SUMMARY OF THE LEGISLATION

Section 1. Short title

Section 1 denotes the short title of the bill as the "National Smithsonian Institution Facilities Authorization Act of 2009".

Section 2. Laboratory and support space, Edgewater, Maryland

Subsection (a) authorizes the Board of Regents of the Smithsonian Institution to design and construct laboratory space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center ("SERC") in Edgewater, Maryland.

Subsection (b) authorizes a total of \$41 million for fiscal years 2009 through 2011 to construct the Mathias Laboratory.

Section 3. Laboratory space, Gamboa, Panama

Subsection (a) authorizes the Board of Regents of the Smithsonian Institution to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

Subsection (b) authorizes a total of \$14 million for fiscal years 2009 and 2010 to construct laboratory space to accommodate the terrestrial research program.

Section 4. Construction of greenhouse facility, Suitland, Maryland

Subsection (a) authorizes the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

Subsection (b) authorizes \$12 million to construct the greenhouse facility.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

In the 110th Congress, on February 26, 2008, Representative Doris O. Matsui introduced H.R. 5492. On February 28, 2008, the Committee on Transportation and Infrastructure met in open session and ordered H.R. 5492 reported favorably to the House by voice vote with a quorum present. On March 10, 2008, the Committee reported the bill to the House. H. Rept. 110–545. On March 11, 2008, the House passed H.R. 5492 by voice vote under suspension of the Rules of the House. No further action was taken on the bill.

On July 29, 2008, Chairman James L. Oberstar introduced H.R. 6627, the “Smithsonian Institution Facilities Authorization Act of 2008”. On July 31, 2008, the Committee on Transportation and Infrastructure met in open session and ordered H.R. 6627 reported favorably to the House by voice vote with a quorum present. On September 15, 2008, the Committee reported the bill to the House. H. Rept. 110–842, Part II. On September 17, 2008, the House passed H.R. 6627 by voice vote under suspension of the Rules of the House. No further action was taken on the bill.

In the 111th Congress, on January 16, 2009, Chairman James L. Oberstar introduced H.R. 608, the “Smithsonian Institution Facilities Authorization Act of 2009”. H.R. 608 incorporates the provisions of H.R. 5492 and H.R. 6627 of the 110th Congress. On February 12, 2009, the Committee on Transportation and Infrastructure met in open session and ordered H.R. 608 reported favorably to the House by voice vote with a quorum present.

RECORD VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each Committee report to include the total number of votes cast for and against on each record 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 recorded votes taken in connection with consideration of H.R. 608 or ordering the bill reported. A motion to order H.R. 608 reported favorably to the House was agreed to by voice vote with a quorum present.

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 clause 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to authorize the design and construction of three Smithsonian facilities.

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 enclosed cost estimate for H.R. 608 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 18, 2009.

Hon. JAMES L. OBERSTAR,
*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. 608, the Smithsonian Institution Facilities Authorization Act of 2009.

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

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

H.R. 608—Smithsonian Institution Facilities Authorization Act of 2009

H.R. 608 would authorize the appropriation of \$41 million for laboratory and support space at the Smithsonian Environmental Research Center in Edgewater, Maryland; \$14 million for laboratory space at the Smithsonian tropical research institute in Gamboa, Panama; and \$12 million for a greenhouse facility in Suitland, Maryland. Assuming appropriation of the authorized amounts,

CBO estimates that implementing H.R. 608 would cost \$67 million over the 2009–2013 period, as shown in the following table. Enacting the bill would not affect direct spending or receipts.

	By fiscal year, in millions of dollars—						2009– 2014
	2009	2010	2011	2012	2013	2014	
Authorization level	67	0	0	0	0	0	67
Estimated outlays	7	21	23	13	3	0	67

H.R. 608 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Christina Hawley Anthony. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 608 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

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. 608 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. 608 makes no changes in existing law.

