

SMITHSONIAN CONSERVATION BIOLOGY INSTITUTE
ENHANCEMENT ACT

SEPTEMBER 20, 2010.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. BRADY of Pennsylvania, from the Committee on House
Administration, submitted the following

R E P O R T

[To accompany H.R. 5717]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 5717) to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill to pass.

PURPOSE OF THE LEGISLATION

H.R. 5717 would upgrade the Smithsonian Institution's scientific and educational functions at its unique conservation facility at Front Royal, Virginia. The Smithsonian Conservation Biology Institute (formerly known as the Conservation Research Center), located at the Virginia site, and renowned worldwide for its work preserving and breeding endangered species, is a magnet for prominent researchers and students starting careers in related fields. The Front Royal facilities are a sub-unit of the Smithsonian's National Zoological Park (NZIP) located in Washington, D.C.

The legislation would authorize additional modern facilities to conduct programs and house students, and would relocate holding facilities for endangered red pandas and clouded leopards. The projects are included in the NZIP's Comprehensive Facilities Master Plan. The bill would provide the Smithsonian with substantial additional infrastructure at minimal cost, with a large majority of the funding to be obtained from non-Federal sources. The Smithsonian hopes to open the new facilities by the fall of 2012.

Section 2 of H.R. 5717 would authorize appropriations for \$5 million to plan, design and construct facilities at the Smithsonian Conservation Biology Institute which would include laboratories and offices, for the purpose of conducting research and educational programs. The bill would authorize \$1 million in fiscal 2010, which has already been appropriated; \$1 million in fiscal 2011; and \$3 million in subsequent years. The Smithsonian would supply an additional \$5 million through its non-Federal trust funds.

Section 3 would authorize the Smithsonian Institution to enter into an agreement with George Mason University (GMU) in northern Virginia, to construct a residential facility and a dining/commons facility at the site using \$20 million in Virginia state revenue bonds, at no cost to the Smithsonian or the Federal government. Ownership of the facility would revert to the Smithsonian after 30 years. In October, 2008, the Smithsonian and GMU signed a Memorandum of Understanding to establish the "Smithsonian-Mason Global Conservation Studies Program." GMU would grant college credits to participating students. The program would enhance and expand the National Zoo's history of providing educational classes and professional training for future generations of conservation and scientific professionals. The GMU-funded facilities would provide accommodations for approximately 120 professionals and students.

Finally, Section 4 would authorize the Smithsonian to plan, design and construct animal holding and related program facilities from non-Federal sources. The project is needed because the existing holding facility would be subsumed within of the new education center construction. The cost, estimated to be \$1 to \$2 million, would derive exclusively from the Smithsonian's private trust funds which are non-Federal funds, but their use for construction projects requires authorization by Congress.

The Smithsonian Institution has entered into agreements with dozens of educational institutions worldwide, as strategic partners to advance important goals. These initiatives do not normally require legislative authorization. But this project links the Smithsonian Conservation Biology Institute closely to a specific educational institution—George Mason University—for a long term relationship which, for the first time, would allow an outside entity to construct a facility on Smithsonian property. The Committee believes that it is important for Congress to evaluate the propriety of this arrangement—and others, as appropriate, in the future—and, in this particular case, indicate its approval through legislation.

Relationships of the kind contemplated by this legislation between GMU and the Smithsonian, depending on their number and effect, can have a significant impact on the operation and management of Smithsonian programs over time. The Committee will exercise its oversight to ensure that the objectives and costs of such arrangements maintain a balance among budgetary constraints and the Smithsonian's research and educational goals.

The Committee finds that the agreement between the Smithsonian and GMU is an appropriate vehicle for the Smithsonian to accomplish its overall mission for the increase and diffusion of knowledge. The fact that the Smithsonian will gain ultimate ownership of the \$20 million residential and dining facilities to be constructed by GMU, at no cost either to the Federal Treasury or the Smithso-

nian, makes the project a fiscal bargain and an attractive addition to the Institution's resources.

COMMITTEE CONSIDERATION

H.R. 5717 was introduced on July 13, 2010, by the three House members serving on the Smithsonian Board of Regents, Rep. Becerra of California (sponsor), along with Reps. Matsui of California and Sam Johnson of Texas, and Rep. Wolf of Virginia in whose district the Smithsonian Conservation Biology Institute is located. The bill was referred to the Committee on House Administration as the primary committee, with an additional referral to the Committee on Transportation and Infrastructure.

The Committee on House Administration held a markup on H.R. 5717 on July 14, 2010. The Committee ordered the bill reported favorably to the House, by voice vote, without amendment. No amendments were offered during consideration of the legislation.

SECTION-BY-SECTION ANALYSIS

Section 1 provides a short title for H.R. 5717, the "Smithsonian Conservation Biology Institute Enhancement Act."

Section 2 authorizes \$1 million in each of fiscal years 2010 and 2011, and \$3 million for succeeding fiscal years, to plan, design and construct a facility on National Zoological Park property in Front Royal, Virginia, to conduct research and educational programs.

Section 3 authorizes the Smithsonian Board of Regents to enter into agreements for the provision of housing and other services for participants in research and educational programs authorized in the legislation.

Section 4 authorizes the Smithsonian Institution to plan, design and construct animal holding and related facilities to be funded from non-Federal sources.

MATTERS REQUIRED UNDER THE RULES OF THE HOUSE

Constitutional authority

Clause 3(d)(1) of rule XIII requires each committee report on a public bill or joint resolution to include a statement citing the specific constitutional power(s) granted to the Congress on which the Committee relies for enactment of the measure under consideration. The Committee cites the legislative power broadly granted to Congress under Article I.

Committee votes

Clause 3(b) of rule XIII requires the results of each recorded vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the committee report. No recorded votes were taken during the Committee's consideration of H.R. 5717.

Congressional Budget Office estimate

Clause 3(c)(3) of rule XIII requires the report of a committee on a measure which has been approved by the committee to include a cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 403 of the CBA, if timely submitted. The Director submitted the following estimate:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 26, 2010.

Hon. ROBERT A. BRADY,
*Chairman, Committee on House Administration,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5717, the Smithsonian Conservation Biology Institute Enhancement Act.

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

Sincerely,

PETER H. FONTAINE
(For Douglas W. Elmendorf, Director).

H.R. 5717—Smithsonian Conservation Biology Institute Enhancement Act

Summary: H.R. 5717 would authorize appropriations of \$5 million for the Smithsonian Institution to plan, design, and construct a research and education facility on the Front Royal, Virginia, property of the National Zoological Park.

Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

H.R. 5717 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 5717 is shown in the following table. The costs of this legislation fall within budget function 500 (education, employment, and social services).

	By fiscal year, in millions of dollars—					
	2011	2012	2013	2014	2015	2011–2015
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	2	3	0	0	0	5
Estimated Outlays	1	1	1	1	1	5

Basis of estimate: H.R. 5717 would authorize appropriations of \$5 million to pay for a portion of the costs of the planning, designing, and construction of a research and educational facility at the National Zoo's property in Front Royal, Virginia. For purposes of this estimate, CBO assumes that \$1 million in funding authorized for fiscal year 2010 will be provided in fiscal year 2011, along with the amount authorized for that year. Any additional costs for that facility, as well as the costs related to an animal holding facility (also located on that property) would be paid from private donations to the Smithsonian Institution.

In addition, the bill would authorize the Smithsonian Institution to enter into a ground lease for the provision of housing and other services at the facility. Costs of that project would be borne by the leaseholder and by the students and scholars using the facility, rather than the Smithsonian Institution. Although the Smithsonian

Institution receives considerable federal support, it is a federally chartered nonprofit organization that also draws on significant private donations for its operations. For those reasons, CBO estimates that the special leasing arrangement would not result in the purchase of the facility by the federal government, and, therefore, would not provide direct spending authority.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 5717 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Christina Hawley Anthony; Impact on State, Local, and Tribal Governments: Elizabeth Cove Delisle; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

Federal mandates

Section 423 of the Congressional Budget Act requires a committee report on any public bill or joint resolution that includes a Federal mandate to include specific information about such mandates. H.R. 5717 contains no Federal mandates.

Preemption clarification

Section 423 of the CBA requires a committee report on any public bill or joint resolution to include a committee statement on the extent to which the measure is intended to preempt state or local law. The Committee states that H.R. 5717 is not intended to preempt any state or local law.

Oversight findings

Clause 3(c)(1) of rule XIII requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X. The oversight findings are addressed in the descriptive sections of the report.

Statement of general performance goals and objectives

Clause 3(c)(4) of House Rule XIII requires committee reports to include a statement of general performance goals and objectives. The Committee finds that the projects authorized by this legislation, and the agreement between the Smithsonian Institution and George Mason University, further the Smithsonian's mission for the increase and diffusion of knowledge.

Congressional "earmarks"

Clause 9 of House Rule XXI requires committee reports on public bills and resolutions to contain an identification of congressional "earmarks," limited tax benefits, limited tariff benefits, and the names of requesting Members. The bill contains no such items.

Congressional Accountability Act applicability

Section 102(b)(3) of the Congressional Accountability Act of 1995 (Pub. L. 104-1) (CAA) requires each report on a public bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations to describe the manner in

which the legislation applies to the Legislative Branch. H.R. 5717 does not apply to the legislative branch and contains no such items.

Changes in existing law made by the bill, as reported

H.R. 5717 would not make any changes in existing law.

