

TO REMOVE RESTRICTIONS FROM A PARCEL OF LAND
SITUATED IN THE ATLANTIC DISTRICT, ACCOMACK
COUNTY, VIRGINIA

JANUARY 18, 2012.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2087]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2087) to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia, 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. REMOVAL OF RESTRICTIONS.

(a) REMOVAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall execute such instruments as may be necessary to remove all deed restrictions described in subsection (b) relating to the parcel of land described in subsection (c).

(b) DEED RESTRICTIONS.—The deed restrictions referred to in subsection (a) are those restrictions, including easements, exceptions, reservations, terms, conditions, and covenants described in Quitclaim Deed No. 17808A from the United States to Accomack County, Virginia, executed on December 20, 1976, and recorded among the real estate records of Accomack County, Virginia, by the Clerk of the Circuit Court, on pages 292 through 296 of Deed Book 381.

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) consists of approximately 31.6 acres situated in the Atlantic District, Accomack County, Virginia, more particularly described in the metes and bounds description recorded on page 292 of the quitclaim deed described in subsection (b).

PURPOSE OF THE BILL

The purpose of H.R. 2087, as ordered reported, is to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia.

BACKGROUND AND NEED FOR LEGISLATION

In 1976, Accomack County, Virginia, acquired 32 acres through the Federal Lands to Parks program. The transfer dictated that the property be used for recreational purposes. Unfortunately, the park has received little use and the County would like to dedicate the property to a use which is likely to create jobs.

To appease the National Park Service (NPS) and the dictates of the deed, the County offered to make an acre-for-acre land swap and create a park in a more suitable location, but NPS is unwilling to do a swap—insisting that the County buy out the restrictive clause for \$815,000, which is over \$25,000 per acre. The County has explained it does not have those funds available, and consequently H.R. 2087 will remove that restriction. Once the restriction is removed, the County will proceed by developing a research and technology park which will lead to short-term construction jobs and hundreds of new long-term jobs. During markup, the Natural Resources Committee adopted an amendment offered by Congressman Robert Wittman (R-VA) to require the Secretary of the Interior to remove the restriction within 90 days of enactment of the legislation.

The Committee on Natural Resources welcomes the opportunity to report legislation that will create jobs at no cost to the taxpayers. Congress must act to reduce burdens that have stifled job creation in local communities.

COMMITTEE ACTION

H.R. 2087 was introduced on June 2, 2011, by Congressman Scott Rigell (R-VA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On September 15, 2011, the Subcommittee held a hearing on the bill. On November 17, 2011, the Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Robert Wittman (R-VA) offered amendment designated .021 to the bill; the amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by a record vote of 32–11, as follows:

Committee on Natural Resources
U.S. House of Representatives
112th Congress

Date: November 17, 2011

Recorded Vote #: 8

Meeting on / Amendment: **HR 2087** – Favorably reported to the House of Representatives, as amended, by a roll call vote of 32 yeas and 11 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Hastings, WA Chairman	X			<i>Mr. Heinrich, NM</i>	X		
<i>Mr. Markey, MA Ranking</i>		X		Mr. Benishek, MI	X		
Mr. Young, AK	X			<i>Mr. Lujan, NM</i>		X	
<i>Mr. Kildee, MI</i>		X		Mr. Rivera, FL	X		
Mr. Duncan of TN	X			<i>Mr. Sarbanes, MD</i>		X	
<i>Mr. Defazio, OR</i>	X			Mr. Duncan of SC	X		
Mr. Gohmert, TX				<i>Ms. Sutton, OH</i>		X	
<i>Mr. Faleomavaega, AS</i>				Mr. Tipton, CO	X		
Mr. Bishop, UT	X			<i>Ms. Tsongas</i>		X	
<i>Mr. Pallone, NJ</i>		X		Mr. Gosar, AZ	X		
Mr. Lamborn, CO	X			<i>Mr. Pierluisi, PR</i>		X	
<i>Mrs. Napolitano, CA</i>				Mr. Labrador, ID	X		
Mr. Wittman, VA	X			<i>Mr. Garamendi, CA</i>	X		
<i>Mr. Holt, NJ</i>		X		Ms. Noem, SD	X		
Mr. Broun, GA	X			<i>Ms. Hanabusa, HI</i>	X		
<i>Mr. Grijalva, AZ</i>		X		Mr. Southerland, FL	X		
Mr. Fleming, LA	X			Mr. Flores, TX	X		
<i>Ms. Bordallo, GU</i>				Mr. Harris, MD	X		
Mr. Coffman, CO	X			Mr. Landry, LA	X		
<i>Mr. Costa, CA</i>	X			Mr. Runyan, NJ	X		
Mr. McClintock, CA	X			Mr. Johnson, OH	X		
<i>Mr. Boren, OK</i>	X			Mr. Amodei, NV	X		
Mr. Thompson, PA	X						
<i>Mr. Sablan, CNMI</i>		X					
Mr. Denham, CA	X						
				TOTALS	32	11	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 2087—A bill to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia

H.R. 2087 would remove certain deed restrictions from a parcel of land in eastern Virginia. The National Park Service conveyed the 32-acre parcel to Accomack County under the condition that the land be used for park and recreational purposes. The bill would remove that restriction to allow the county to use the land for other purposes.

The affected land is currently under the jurisdiction of Accomack County and does not produce any income for the federal government. Because, under current law, CBO expects that the land would remain under the county's jurisdiction for the next 10 years, we estimate that implementing the legislation would have no significant impact on the federal budget. Enacting H.R. 2087 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 2087 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 for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that implementing the legislation would have no significant impact on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

In 1976, Accomack County made a deal: under the National Park Service's Federal Lands to Parks Program, the county received 32 acres of federal property, free of charge, in return for a promise to use the land for public recreation purposes. The federal government and the County signed a deed including these terms.

Now, the County has determined that the land they received for free from the taxpayers could generate more revenue for the county if it were developed and have sought a waiver of the public recreation requirement. The National Park Service has proposed a compromise solution whereby the County could develop the 32-acre parcel if it provides new land for public recreation. The County has refused this compromise and is seeking passage of H.R. 2087.

Not only does this legislation renege on a deal signed by the County, it also sets a devastating precedent. Since its inception in 1949, the Federal Lands to Parks Program has transferred close to 170,000 acres to communities across the United States. In each case, the land transfer includes the same requirement that, if the parcel is no longer used for recreational purposes, it will revert to federal ownership.

Allowing Accomack County to capitalize on a parcel of free federal land, while requiring other communities to abide by the terms of their agreements, cannot be justified and threatens the integrity of this popular public recreation program.

EDWARD J. MARKEY.
RUSH D. HOLT.
GRACE F. NAPOLITANO.
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