

ALBUQUERQUE, NEW MEXICO, FEDERAL LAND
CONVEYANCE ACT OF 2014

APRIL 9, 2014.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3998]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 3998) to authorize the Administrator of
General Services to convey a parcel of real property in Albu-
querque, New Mexico, to the Amy Biehl High School Foundation,
having considered the same, report favorably thereon with an
amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Albuquerque, New Mexico, Federal Land Conveyance Act of 2014”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of General Services.

(2) **FEDERAL LAND.**—The term “Federal land” means the real property, including any improvements thereon, located in Albuquerque, New Mexico, that, as determined by the Administrator, subject to survey, generally consists of lots 12 through 19, and for the westerly boundary, the portion of either lot 19 or 20 which is the outside west wall of the basement level of the Old Post Office building, and which has a municipal address of 123 Fourth Street, SW., in Block 18, New Mexico Town Company’s Original Townsite, Albuquerque, New Mexico.

(3) **FOUNDATION.**—The term “Foundation” means the Amy Biehl High School Foundation.

SEC. 3. CONVEYANCE OF REAL PROPERTY IN ALBUQUERQUE, NEW MEXICO, TO THE AMY BIEHL HIGH SCHOOL FOUNDATION.

(a) **CONVEYANCE.**—Notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Administrator shall offer to convey to the Foundation, by quitclaim deed, all right, title, and interest of the United States in and to the Federal land.

(b) **CONSIDERATION.**—As consideration for conveyance of the Federal land under subsection (a), the Administrator shall require the Foundation to pay to the Administrator consideration in an amount equal to the fair market value of the Federal land, as determined based on an appraisal that is acceptable to the Administrator.

(c) **COSTS OF CONVEYANCE.**—The Foundation shall be responsible for paying—

(1) the costs of an appraisal conducted under subsection (b); and

(2) any other costs relating to the conveyance of the Federal land under this Act.

(d) **PROCEEDS.**—

(1) **DEPOSIT.**—Net proceeds received under subsection (b) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) **EXPENDITURE.**—Amounts paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Administrator may require that any conveyance under subsection (a) be subject to such additional terms and conditions as the Administrator considers appropriate to protect the interests of the United States.

(f) **DEADLINE.**—The conveyance of the Federal land under this Act shall occur not later than 3 years after the date of enactment of this Act.

PURPOSE OF LEGISLATION

H.R. 3998, the Albuquerque, New Mexico, Federal Land Conveyance Act of 2014, as amended, would authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3998, as amended, would authorize the General Services Administration (GSA) to transfer ownership of the historic post office located in Albuquerque, New Mexico, to the Amy Biehl High School Foundation, for compensation equal to the fair market value of the property.

Amy Biehl High School, a public charter school, has been located in the building since 2006 and currently has a 20 year lease with an option to extend. GSA receives nominal rent and the Foundation has invested funds to renovate and restore the building for use as a school. As a result, GSA has determined that the cost of man-

aging the facility exceeds profits from the lease and that there is no federal use for the building.

HEARINGS

No hearings were held on H.R. 3998.

LEGISLATIVE HISTORY AND CONSIDERATION

On February 5, 2014, Representative Michelle Lujan Grisham (D–NM) introduced H.R. 3998, the Albuquerque, New Mexico, Federal Land Conveyance Act of 2014.

On March 13, 2014, the Committee on Transportation and Infrastructure met in open session. The Committee considered one amendment offered by Representative Lou Barletta (R–PA). The amendment was adopted by voice vote. The Committee ordered H.R. 3998, as amended, reported favorably to the House by voice vote with a quorum present.

COMMITTEE 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 record votes taken in connection with consideration of H.R. 3998, as amended, or ordering the measure reported. A motion to order H.R. 3998, as amended, 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.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

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.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

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. 3998, as amended, from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 21, 2014.

Hon. BILL SHUSTER,
*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. 3998, the Albuquerque, New Mexico, Federal Land Conveyance Act of 2014.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 3998—Albuquerque, New Mexico, Federal Land Conveyance Act of 2014

The bill would direct the General Services Administration (GSA) to sell a federal property in downtown Albuquerque, New Mexico, to the Amy Biehl High School Foundation for its fair market value. CBO estimates that enacting the legislation would increase offsetting receipts, a credit against direct spending; therefore, pay-as-you-go procedures apply. We estimate that the net offsetting receipts from the sale would be negligible. Enacting H.R. 3998 would not affect revenues.

H.R. 3998 would authorize GSA to sell an historic post office and courthouse in downtown Albuquerque, New Mexico. The legislation would require the designated purchaser to cover any federal administrative costs associated with the sale. Proceeds from the sale—probably about \$50,000—would be deposited in the Federal Buildings Fund and would be available to GSA, subject to future appropriation. In addition, GSA currently receives about \$1,200 a year under a 60-year lease to the foundation. By selling the property, the government would forgo those receipts in future years.

H.R. 3998 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.

On February 20, 2014, CBO transmitted a cost estimate for S. 898, the Albuquerque, New Mexico, Federal Land Exchange Conveyance Act of 2013, as ordered reported by the Senate Committee on Environment and Public Works. Both bills contain similar provisions, and their estimated costs are the same.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation, as amended, is to authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico to the Amy Biehl High School Foundation.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill, as amended, includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(j) of H. Res. 5, 113th Cong. (2013), the Committee finds that no provision of H.R. 3998, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(k) of H. Res. 5, 113th Cong. (2013), the Committee estimates that enacting H.R. 3998, as amended, does not specifically direct the completion of any specific rule makings within the meaning of section 551 of title 5, United States Code.

FEDERAL MANDATE 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. 3998, as amended, 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, as amended.

APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation, as amended, 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).

SECTION-BY-SECTION ANALYSIS OF LEGISLATION, AS AMENDED

Section 1. Short title

Section 1 establishes the short title of the bill as the “Albuquerque, New Mexico, Federal Land Conveyance Act of 2014”.

Section 2. Definitions

Section 2 defines the term “Administrator” as the “Administrator of General Services” and “Federal Land” as the real property, including improvements, that generally consists of lots 12 through 19, and for the westerly boundary, the portion of either lot 19 or 20 which is the outside west wall of the basement level of the Old Post Office building, and which has a municipal address of 123 Fourth Street, SW, in Block 18, New Mexico Town Company’s Original Townsite, Albuquerque, New Mexico. The section also defines “Foundation” and the “Amy Biehl High School Foundation.”

Section 3. Conveyance of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation

Section 3 directs the Administrator, not later than 90 days after the date of enactment, to offer to convey to the Foundation, by quitclaim deed, all right, title, and interest of the United States in and to the federal land for fair market value based on an appraisal acceptable to the Administrator. Section 3 also requires the Foundation to pay for the cost of the appraisal and any other costs associated with the conveyance. The section also directs that the net proceeds from the conveyance be deposited into the Federal Buildings Fund and makes those funds available subject to appropriations. This section also allows the Administrator to set other terms and conditions as appropriate to protect the interests of the United States and provides a deadline of three years for the conveyance.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 3998, as amended, makes no changes in existing law.