

AMENDING CERTAIN APPROPRIATION ACTS TO REPEAL THE REQUIREMENT DIRECTING THE ADMINISTRATOR OF GENERAL SERVICES TO SELL FEDERAL PROPERTY AND ASSETS THAT SUPPORT THE OPERATIONS OF THE PLUM ISLAND ANIMAL DISEASE CENTER IN PLUM ISLAND, NEW YORK, AND FOR OTHER PURPOSES

MAY 16, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 1887]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 1887) to amend certain appropriation Acts to repeal the requirement directing the Administrator of General Services to sell Federal property and assets that support the operations of the Plum Island Animal Disease Center in Plum Island, New York, and for other purposes, 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. FINDINGS.

Congress finds the following:

- (1) The Federal Government has owned Plum Island, New York, since 1899.
- (2) Since 1954, the Plum Island Animal Disease Center has conducted unrivaled scientific research on a variety of infectious animal-borne diseases, including foot-and-mouth disease, resulting, most recently, in the development of a new cell line that rapidly and reliably detects this highly debilitating disease of livestock.
- (3) Over 62 years, the Center has had a strong, proven record of safety.
- (4) \$23,200,000 in Federal dollars have been spent on upgrades to, and the maintenance of, the Center since January 2012.
- (5) In addition to the Center, Plum Island contains cultural, historical, ecological, and natural resources of regional and national significance.
- (6) Plum Island is situated where the Long Island Sound and Peconic Bay meet, both of which are estuaries that are part of the National Estuary Program and are environmentally and economically significant to the region.
- (7) The Federal Government has invested hundreds of millions of Federal dollars over the last two decades to make long-term improvements with respect to the conservation and management needs of Long Island Sound and Peconic Bay.
- (8) The Department of Homeland Security has undertaken a study to consider alternatives for the final disposition of Plum Island, including an analysis of—
 - (A) conservation of the island's resources;
 - (B) any remediation responsibilities;
 - (C) the need for any legislative changes;
 - (D) cost; and
 - (E) any revenues from the alternatives.

SEC. 2. REPORT REQUIRED ON STUDY BY DEPARTMENT OF HOMELAND SECURITY ON CLEAN UP AND ALTERNATIVE USES OF PLUM ISLAND.

(a) **ASSESSMENT BY COMPTROLLER GENERAL.—**

(1) **ASSESSMENT REQUIRED.**—The Comptroller General of the United States shall conduct an assessment of the study by the Department of Homeland Security on the options for the disposition of Plum Island referred to in section 1(8). Such assessment shall include a determination of whether the methodologies used by the Department in conducting such study adequately support the Department's findings with respect to the following:

- (A) The possible alternative uses for Plum Island, including the transfer of ownership to another Federal agency, a State or local government, a non-profit organization, or a combination thereof for the purpose of education, research, or conservation.
- (B) The possible issues and implications, if any, of pursuing such alternative uses for Plum Island.
- (C) The potential cost to be incurred for expenses related to the transition, cleanup, and hazard mitigation of Plum Island by a recipient of such property.

(2) **REPORT REQUIRED.**—Not later than 180 days after the date on which the Department of Homeland Security completes the study referred to in section 1(8), the Comptroller General of the United States shall submit to Congress a report containing the following:

- (A) The results of the assessment described under paragraph (1).
- (B) A description of the Secretary of Homeland Security's coordination with the Administrator of General Services, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency in conducting the Department of Homeland Security study referred to in section 1(8).

(b) **STUDY BY COMPTROLLER GENERAL.—**

(1) **STUDY REQUIRED.**—If the Comptroller General of the United States determines that the methodologies referred to in subsection (a)(1) do not adequately support the Department of Homeland Security's findings related to an issue described in subparagraphs (A) through (C) of such subsection, the Comptroller General shall conduct a study on any such issue.

(2) **REPORT REQUIRED.**—If the Comptroller General of the United States conducts a study under paragraph (1), not later than one year after the date on which the Department of Homeland Security completes the study referred to in section 1(8), the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 3. SUSPENSION OF ACTION.

No action may be taken to carry out section 538 of title V of division D of the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 976) until at least 180 days after the reports required by subsection (a)(2) of section 2 and, if applicable, subsection (b)(2) of such section have been submitted to Congress.

PURPOSE AND SUMMARY

H.R. 1887 requires the General Accountability Office (GAO) to assess the U.S. Department of Homeland Security's (DHS) study on options for the disposition of Plum Island. GAO must assess whether the methodologies used by DHS adequately support the study's findings. GAO's report would include an assessment of the methodologies used and describe DHS' coordination with the General Services Administration, the Department of the Interior, and the Environmental Protection Agency on the study. GAO would be required to report to Congress six months after DHS completes its study. If GAO finds that the possible alternative uses for Plum Island, the possible issues and implications of pursuing such alternatives, and the potential costs of transition, cleanup, and hazard mitigation of Plum Island are not supported by the DHS report, GAO is required to conduct its own study on those issues. The bill suspends Appropriations language from the 2012 Consolidated Appropriations Act requiring the sale of Plum Island until six months after all GAO reports are received by Congress.

BACKGROUND AND NEED FOR LEGISLATION

Since 1954, the DHS Science and Technology Directorate's Plum Island Animal Disease Center (PIADC) has served as form of defense against accidental or intentional introduction of transboundary animal diseases (a.k.a. foreign animal diseases) including foot-and-mouth disease (FMD). The lab and its staff of nearly 400 employees provide preparedness and response capabilities, including vaccine research and development, diagnostics, training, and bioforensics.

In 2005, DHS announced that PIADC would be moved to a new Federal facility in Kansas. The FY2012 Consolidated Appropriations Act (Pub. L. 112-74) required DHS to sell Plum Island. The traditional interagency consultation process regarding the disposal of Federal property was bypassed, putting the potential sale of this island on the fast track without consulting the local community or other federal agencies. Locally, the Town of Southold in New York has passed ordinances preventing any private development of Plum Island.

H.R. 1887 suspends the requirement to sell Plum Island until a thorough review of the analysis of alternatives is conducted by DHS and GAO.

HEARINGS

No hearings were held on H.R. 1887 in the 114th Congress.

COMMITTEE CONSIDERATION

The Committee met on April 28, 2016, to consider H.R. 1887, and ordered the measure to be reported to the House with a favorable

recommendation, as amended, by unanimous consent. The Committee took the following actions:

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MR. DONOVAN (#1); was AGREED TO by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 1887.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

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. 1887 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE 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.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 13, 2016.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1887, a bill to amend certain appropriation acts to repeal the requirement directing the Administrator of General Services to sell federal property and assets that support the operations of the Plum Island Animal Disease Center in Plum Island, New York, and for other purposes.

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

Sincerely,

KEITH HALL.

Enclosure.

H.R. 1887—A bill to amend certain appropriation acts to repeal the requirement directing the Administrator of General Services to sell federal property and assets that support the operations of the Plum Island Animal Disease Center in Plum Island, New York, and for other purposes

H.R. 1887 would require the Government Accountability Office (GAO) to prepare a report on options for the disposition of the Plum Island Animal Disease Center, which is operated by the Department of Homeland Security. The bill also would direct the General Services Administration (GSA) to cease its attempts to sell the Plum Island property until after GAO has submitted its report to the Congress.

Based on the costs of similar reports, CBO estimates that it would cost less than \$500,000 over the 2016–2017 period for GAO to prepare the report required by H.R. 1887; such spending would be subject to the availability of appropriated funds. Based on information from GSA, we estimate that enacting the bill would not affect the timing of a potential sale of Plum Island.

Pay-as-you-go procedures do not apply because enacting the bill would not affect direct spending or revenues. CBO estimates that enacting H.R. 1887 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 1887 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 contacts for this estimate are Matthew Pickford (for GAO and GSA costs) and Mark Grabowicz (for Department of Homeland Security). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 1887 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

This legislation provides for the Government Accountability Office to assess the DHS study on the options for the disposition for Plum Island Animal Disease Center and provide a report to Congress.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 1887 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

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.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring 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 finds that H.R. 1887 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 1887 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

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

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

Section 1. Findings.

This section includes findings relating to Plum Island.

Sec. 2. Report Required on Study by Department of Homeland Security on Clean Up and Alternative Uses of Plum Island.

This section requires the Government Accountability Office (GAO) to conduct an assessment of the Department of Homeland Security's (DHS) study on the options for the disposition of Plum Island. GAO is required to determine whether the methodologies employed for the study adequately support the Department's findings with regard to: the possible alternative uses for Plum Island, including the transfer of ownership to another Federal agency, a State or local government, a non-profit organization, or a combination thereof for the purpose of education, research, or conservation; the possible issues and implications, if any, of pursuing such alternative uses for Plum Island; and the potential cost to be incurred for expenses related to the transition, cleanup, and hazard mitigation of Plum Island by a recipient of such property.

This section also requires GAO, to the extent it determines the methodologies in the DHS study do not adequately support findings, to conduct a study on such issues.

The GAO is required to report to Congress within six months on the results of the assessment and a description of the Secretary of Homeland Security's coordination with the Administrator of Gen-

eral Services, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency in conducting the study.

The GAO is required to report to Congress within one year on any study it undertakes to address findings not adequately supported.

Sec. 3. Suspension of Action.

This section suspends any action on section 538 of title V of division D of the Consolidated Appropriations Act, 2012 (Pub. L. 112-74; 125 Stat. 976) until at least 180 days after any reports required by this bill have been submitted to Congress.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 1887 makes no changes to existing law.

