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TO AUTHORIZE, DIRECT, FACILITATE, AND EXPEDITE THE TRANSFER OF ADMINISTRATIVE JURISDICTION OF CERTAIN FEDERAL LAND, AND FOR OTHER PURPOSES

MAY 24, 2018.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 1397]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 1397) to authorize, direct, facilitate, and expedite the transfer of administrative jurisdiction of certain Federal land, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 1397 is to transfer administrative jurisdiction over two parcels of Federal land in Fairfax County, Virginia between the Secretary of the Interior and the Secretary of Transportation.

BACKGROUND AND NEED

H.R. 1397 authorizes a land exchange between the Department of the Interior (DOI) and the Department of Transportation (DOT) in Fairfax County, Virginia. Specifically, the bill would transfer administrative jurisdiction over 0.342 acres of Federal land within the boundary of the George Washington Memorial Parkway from DOI to DOT and transfer 0.479 acres of Federal land within the boundary of the Turner-Fairbank Highway Research Center (Research Center) of the Federal Highway Administration from DOT to DOI.

The transfer centers on Colonial Farm Road, which provides public access from Georgetown Pike to Claude Moore Colonial Farm (Farm), a site managed by the National Park Service (NPS) within the George Washington Memorial Parkway. In addition to providing access to the Farm, this road serves as an entrance road to the Research Center and as a secondary entrance to the Central Intelligence Agency (CIA). The configuration of the property lines between the Farm and the Research Center requires Farm staff to travel across Research Center property to access their facilities.

DOI, DOT, and the CIA have discussed concerns over crossing property lines, the need to have uninterrupted access to their properties, and the need to improve security and visibility near the perimeter fencing of the Research Center. The agencies have identified properties suitable for exchange which will provide public access to the Farm and provide the means to improve security outside the fencing of the Research Center and the CIA. Though the immediate security concerns have previously been addressed through a temporary agreement, this legislation is needed to codify the land exchange.

LEGISLATIVE HISTORY

H.R. 1397 was introduced in the House of Representatives by Rep. Comstock on March 7, 2017, and referred to the Committee on Natural Resources and Committee on Transportation and Infrastructure. H.R. 1397 was reported by the Natural Resources Committee (H. Rept. 115–206, Part I) on July 11, 2017, and passed the House of Representatives by a vote of 406–0 the same day. The Senate Subcommittee on National Parks conducted a hearing on H.R. 1397 on February 14, 2018.

Similar language is included in section 7116 of S. 1460, the Energy and Natural Resources Act of 2017 (Cal. 162).

In the 114th Congress, Rep. Comstock introduced similar legislation, H.R. 5030, on April 21, 2016. In the Senate, the measure was also included in Amendment No. 3233, which the Senate agreed to on April 19, 2016, as an amendment to S. 2012, the Energy Policy Modernization Act of 2016, which the Senate passed, as amended, on April 20, 2016.

The Committee on Energy and Natural Resources met in open business session on March 8, 2018, and ordered H.R. 1397 favorably reported.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on March 8, 2018, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 1397.

SECTION-BY-SECTION ANALYSIS

Section 1. Interagency transfer of land along George Washington Memorial Parkway

Subsection (a) contains key definitions.

Subsection (b)(1)(A) transfers the administrative jurisdiction over the approximately 0.342 acres of Federal land under the jurisdiction of the Secretary of the Interior (Secretary) within the bound-

ary of the George Washington Memorial Parkway, as depicted on the Map as “B,” to the Secretary of the Transportation.

Subparagraph (B) transfers the administrative jurisdiction over the approximately 0.479 acres of Federal land within the boundary of the Research Center under the jurisdiction of the Secretary of Transportation, as depicted on the Map as “A,” from the Secretary of Transportation to the Secretary.

Paragraph (2) places a use restriction on the 0.139 acres of Federal land within the boundary of the George Washington Memorial Parkway immediately adjacent to part of the perimeter fence of the Research Center, as depicted on the Map as “C,” by prohibiting the storage, construction, or installation of any item that may interfere with the access of the Research Center to the restricted land for security and maintenance purposes.

Paragraph (3) states that the administrative jurisdiction transfers shall not be subject to reimbursement or consideration.

Paragraph (4)(A) requires the NPS and the Federal Highway Administration to comply with the September 11, 2002 agreement entered into by the parties regarding the transfer of administrative jurisdiction, management, and maintenance of the land.

Paragraph (4)(B) directs the Secretary to allow the Research Center access to the applicable Federal land for transportation purposes, as well as maintenance purposes in accordance with NPS standards, including grass growing, weed control, tree maintenance, fence maintenance, and maintenance of the visual appearance of the Federal land.

Subsection (c)(1) specifies that the Federal land transferred to the Secretary under subsection (b)(1)(B) shall be included in the boundary of the George Washington Memorial Parkway and administered by the Secretary as part of that Parkway, subject to applicable laws and regulations.

Paragraph (2) specifies that the Federal land transferred to the Secretary of Transportation under subsection (b)(1)(A) shall be included in the boundary of the Research Center land and removed from the George Washington Memorial Parkway boundary.

Paragraph (3) specifies that the Federal land designated by the Secretary for restricted use under subsection (b)(2) shall be maintained by the Research Center.

Subsection (d) requires the Map to be available for public inspection in the appropriate NPS offices.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

H.R. 1397 would authorize the National Park Service (NPS) and the Department of Transportation (DOT) to exchange small parcels of land located in Fairfax County, Virginia. H.R. 1397 would transfer jurisdiction over 0.342 acres of land within the boundary of the George Washington Memorial Parkway from the NPS to DOT, and 0.479 acres of land within the boundary of the Federal Highway Administration’s Turner-Fairbank Highway Research Center from DOT to the NPS.

Using information from the NPS and DOT, CBO estimates that implementing H.R. 1397 would have no significant effect on the

federal budget. Enacting H.R. 1397 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 1397 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1397 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On July 10, 2017, CBO transmitted a cost estimate for H.R. 1397, as ordered reported by the House Committee on Natural Resources on June 27, 2017. The two versions of H.R. 1397 are similar and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1397. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1397, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 1397, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the February 14, 2018, hearing on H.R. 1397 follows:

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR OF THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING H.R. 1397, A BILL TO AUTHORIZE, DIRECT, FACILITATE, AND EXPEDITE THE TRANSFER OF ADMINISTRATIVE JURISDICTION OF CERTAIN FEDERAL LANDS, AND FOR OTHER PURPOSES

The Department supports H.R. 1397 as this bill would resolve a long-standing access issue on the George Washington Memorial Parkway.

The Claude Moore Colonial Farm (Farm) is a 68.5-acre working colonial farm in Virginia, part of the 235-acre Langley Tract property that was transferred to the George Washington Memorial Parkway in 1971 to provide public recreation and open space. The greenhouses, administra-

tive offices, staff parking, a storage area for farm equipment, and animal pens, are located in the administration and maintenance area of the Farm.

Colonial Farm Road forms the eastern boundary between the Langley Tract and the Farm and provides the main public access to the Farm from Georgetown Pike. In addition to providing Farm access, Colonial Farm Road serves as an entrance road to the Federal Highway Administration's (FHWA) Turner-Fairbank Highway Research Center (Research Center) and the George Bush Center for Intelligence (CIA).

The three Federal agencies involved—the National Park Service, the CIA and the FHWA—entered into an agreement on September 11, 2002, to have uninterrupted access to their properties in a manner that does not involve crossing property boundaries, and that addresses the need to improve security through better visibility near perimeter fencing of the Research Center. Through this agreement, the agencies identified properties suitable for exchange that would provide access to the Farm's administrative and maintenance area and would also improve security outside the fencing of the Research Center and CIA. The agreement has since expired but the agencies continue to abide by the terms of the agreement.

H.R. 1397 would effect the transfers of administrative jurisdiction called for in the September 11, 2002, agreement and require the agencies to implement other terms of the agreement. The administrative jurisdiction transfers between the NPS and the FHWA, which involve less than one acre of land in total, will provide the NPS with a separate access road in the administration and maintenance area for the Farm that will not go through the Research Center. The NPS would also place use restrictions on 0.139 acres of park land adjacent to part of the perimeter fence of the Research Center to improve security of the Research Center. These parcels are delineated on the map referenced in H.R. 1397.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.

