

TO REQUIRE THE ADMINISTRATOR OF GENERAL SERVICES TO SELL CERTAIN PROPERTY RELATED TO UNITED STATES PENITENTIARY, LEAVENWORTH, AND FOR OTHER PURPOSES

DECEMBER 5, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRAVES of Missouri, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 9591]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 9591) to require the Administrator of General Services to sell certain property related to United States Penitentiary, Leavenworth, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

	Page
Purpose of Legislation .....	2
Background and Need for Legislation .....	2
Hearings .....	2
Legislative History and Consideration .....	3
Committee Votes .....	3
Committee Oversight Findings and Recommendations .....	3
New Budget Authority and Tax Expenditures .....	3
Congressional Budget Office Cost Estimate .....	3
Performance Goals and Objectives .....	9
Duplication of Federal Programs .....	9
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	9
Federal Mandates Statement .....	9
Preemption Clarification .....	9
Advisory Committee Statement .....	9
Applicability to Legislative Branch .....	9
Section-by-Section Analysis of the Legislation .....	9
Changes in Existing Law Made by the Bill, as Reported .....	10

## PURPOSE OF LEGISLATION

The purpose of H.R. 9591 is to require the Administrator of General Services to sell certain property related to the United States Penitentiary, Leavenworth, and for other purposes.

## BACKGROUND AND NEED FOR LEGISLATION

In 1924, Congress conveyed property in Platte County, Missouri from the Department of War to the United States Bureau of Prisons (BOP) consisting of over 1,300 acres “for use as a farm” associated with the Leavenworth Penitentiary located across the river in Kansas.<sup>1</sup> Subsequently, the United States Army Corps of Engineers (USACE) constructed the Missouri River Levee System (MRLS) 408–L Unit, which was turned over to a local sponsor.<sup>2</sup> In 1967, BOP entered into an agreement with the Farley-Beverly Drainage District for the BOP to maintain portions of the property to ensure proper functioning of the MRLS.<sup>3</sup>

BOP used the property for farming for approximately 60 years until the 1980s, and subsequently granted a permit to the Department of the Army to conduct agricultural and livestock operations until 1996.<sup>4</sup> Since that time, BOP has failed to properly maintain the

property to protect the integrity of the MRLS 408–L levee, with inspections by the USACE documenting unacceptable conditions on the BOP property.<sup>5</sup>

BOP recently affirmed that it has no current or future plans to utilize the property.<sup>6</sup> H.R. 9591 directs the Administrator of General Services to sell the property on behalf of BOP for fair market value and at highest and best use.

## HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 118th Congress, the following hearing was used to develop or consider H.R. 9591:

On July 13, 2023, the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure held a hearing entitled, “*When the Lights Are On but No One’s Home: An Examination of Federal Office Space Utilization.*” The hearing discussed Federal real estate, including property utilization. The Subcommittee received testimony from Ms. Nina Albert, Commissioner, Public Buildings Service, General Services Administration (GSA); and Mr. David Marroni, Acting Director, Physical Infrastructure, Government Accountability Office (GAO).

<sup>1</sup>Pub. L. No. 68–168.

<sup>2</sup>USACE, *MRLS 408–L*, (last visited April 19, 2024), available at <https://levees.sec.usace.army.mil/levees/3605000141>.

<sup>3</sup>Agreement between Director, Bureau of Prisons and President, Farley-Beverly Drainage District, April 18, 1967.

<sup>4</sup>Letter from David D. Mapp, Chief, Office of Legislative Affairs, Federal Bureau of Prisons to The Honorable Sam Graves, Chairman, H. Comm. on Transp. and Infrastructure (Sept. 11, 2024) (on file with Comm.).

<sup>5</sup>See e.g. USACE, *MRLS 408–L Routine Inspection Report*, (Mar. 2023), Controlled Unclassified Information (CUI) (on file with Comm.); USACE, *MRLS 408–L Routine Inspection Report*, (Apr. 2014), Controlled Unclassified Information (CUI) (on file with Comm.).

<sup>6</sup>Letter from David D. Mapp, Chief, Office of Legislative Affairs, Federal Bureau of Prisons to The Honorable Sam Graves, Chairman, H. Comm. on Transp. and Infrastructure (Sept. 11, 2024) (on file with Comm.).

## LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 9591 was introduced in the United States House of Representatives on September 16, 2024, by Mr. Sam Graves of Missouri and referred to the Committee on Transportation and Infrastructure.

The Committee considered H.R. 9591 on September 18, 2023, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by unanimous consent.

## 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.

No recorded votes were requested during consideration of H.R. 9591.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

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. 9591 from the Director of the Congressional Budget Office:

The Congressional Budget Act of 1974 requires the Congressional Budget Office, to the extent practicable, to prepare estimates of the budgetary effects of legislation ordered reported by Congressional authorizing committees. In order to provide the Congress with as much information as possible, the attached table summarizes information about the estimated direct spending and revenue effects of some of the legislation that has been ordered reported by the House Committee on Transportation and Infrastructure during the 118th Congress. The legislation listed in this table generally would have small effects, if any, on direct spending or revenues, CBO estimates. Where possible, the table also provides information about the legislation's estimated effects on spending subject to appropriation and on intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act.

**ESTIMATED BUDGETARY EFFECTS AND MANDATES INFORMATION**

Bill number	Title	Status	Last action	Budget function	Direct spending, 2025-2034	Revenues, 2025-2034	Spending subject to appropriation, 2025-2029	Pay-as-you-go procedures apply?	Budgetary effects after 2034	Mandates	Contact
H.R. 1586	Forest Protection and Wildland Firefighter Safety Act of 2023.	Ordered reported.	11/15/23	300	0	0	Not estimated	No	No	Yes	Lilia Ledezma
	<p>H.R. 1586 would authorize federal, state, local, and tribal firefighting agencies to use approved fire retardants to prevent and suppress wildfires without first obtaining a National Pollutant Discharge Elimination System permit. The bill also would prohibit state courts from issuing injunctions against state or tribal entities' dispersal of aerial fire retardants as part of wildfire suppression or control. CBO estimates that enacting H.R. 1586 would not affect direct spending or revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) that would not exceed the annual threshold established in UMRA (\$100 million in 2024, adjusted annually for inflation). The bill contains no private-sector mandates as defined in UMRA.</p>										
H.R. 1720	Ocean Pollution Reduction Act II	Ordered reported.	09/18/24	300	0	0	Not estimated	No	No	No	Aurora Swanson
	<p>H.R. 1720 would allow the Point Loma Wastewater Treatment Plant in San Diego, California, to discharge water without applying for an exemption from the secondary treatment standards of the National Pollutant Discharge Elimination System if plant meets certain conditions specified in the bill. CBO estimates that enacting H.R. 1720 would not affect direct spending or revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.</p>										
H.R. 2892	WARN Act .....	Ordered reported.	09/18/24	800	0	0	Between zero and \$500,000	No	No	No	Matthew Pickford
	<p>H.R. 2892 would require the Government Accountability Office within 18 months of enactment to study and report on the effectiveness of the nation's weather emergency alert systems. CBO estimates that enacting H.R. 2892 would not affect direct spending or revenues. CBO estimates that implementing the bill would increase spending subject to appropriation by less than \$500,000 over the 2025-2029 period. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.</p>										
H.R. 3149	A bill to designate United States Route 20 in the States of Oregon, Idaho, Montana, Wyoming, Nebraska, Iowa, Illinois, Indiana, Ohio, Pennsylvania, New York, and Massachusetts as the "National Medal of Honor Highway," and for other purposes.	Ordered reported.	09/18/24	400	0	0	Between zero and \$500,000	No	No	No	Kelly Durand
	<p>H.R. 3149 would designate U.S. Route 20 as the National Medal of Honor Highway. CBO estimates that enacting H.R. 3149 would not affect direct spending or revenues. CBO estimates that implementing the bill would increase spending subject to appropriation by less than \$500,000 over the 2025-2029 period. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.</p>										
H.R. 3988	ARTICLE ONE Act .....	Ordered reported.	09/18/24	800	Between -\$500,000 and zero	0	Not estimated	Yes	No	No	Kelly Durand

H.R. 4043	H.R. 4043, a bill to amend the Save Our Seas 2.0 Act to expand eligibility for certain wastewater infrastructure grants, and for other purposes.	Ordered re-ported.	09/18/24	300	0	0	Not estimated	No	No	Aurora Swanson
H.R. 4043	H.R. 4043 would expand eligibility for certain wastewater infrastructure grants administered by the Environmental Protection Agency. CBO estimates that enacting H.R. 4043 would not affect direct spending or revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.									
H.R. 6241	FULL Act .....	Ordered re-ported.	11/15/23	800	Between zero and \$500,000	0	Not estimated	No	No	Matthew Pickford
H.R. 6241	H.R. 6241 would require federal agencies that have lease agreements with the General Services Administration (GSA) to annually report to GSA on their monthly use and occupancy rates. Under the bill, agencies would be required to return space to GSA if occupancy falls below 60 percent for six months over any one-year period. Enacting H.R. 6241 could increase direct spending by some agencies that are allowed to use fees, receipts from the sale of goods, and other collections to cover operating costs. CBO estimates that any net changes in direct spending by those agencies would be negligible because most of them can adjust amounts collected to reflect changes in operating costs. CBO estimates that enacting H.R. 6241 would have no effect on revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.									
H.R. 6984	A bill to designate the Federal building located at 300 E. 3rd Street in North Platte, Nebraska, as the "Virginia Smith Federal Building," and for other purposes.	Ordered re-ported.	09/18/24	800	0	0	Between zero and \$500,000	No	No	Matthew Pickford
H.R. 6984	H.R. 6984 would designate the federal building located at 300 E. 3rd Street in North Platte, Nebraska, as the "Virginia Smith Federal Building." CBO estimates that enacting H.R. 6984 would not affect direct spending or revenues. CBO estimates that implementing the bill would increase spending subject to appropriation by less than \$500,000 over the 2025–2029 period. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.									
H.R. 7671	Disaster Management Costs Modernization Act.	Ordered re-ported.	09/25/24	450	0	0	Not estimated	No	No	Jon Spertl
H.R. 7671	H.R. 7671 would allow state and local governments that receive disaster assistance from the Federal Emergency Management Agency to repurpose unused funds that originally were allocated for management costs. State and local governments could use the funds to increase their administrative capacity to prepare for, recover from, or mitigate the effects of disasters. Under current law, unused funds are returned to the Disaster Relief Fund. Under the bill, those governments could retain unused funds for up to five years for disasters that are declared on or after the bill's enactment date. CBO estimates that enacting H.R. 7671 would not affect direct spending or revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.									

ESTIMATED BUDGETARY EFFECTS AND MANDATES INFORMATION—Continued

Bill number	Title	Status	Last action	Budget function	Direct spending, 2025–2034	Revenues, 2025–2034	Spending subject to appropriation, 2025–2029	Pay-as-you-go procedures apply?	Budgetary effects after 2034	Mandates	Contact
H.R. 7779	Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024.	Ordered reported.	09/18/24	300	Between zero and \$500,000	0	Not estimated	Yes	Insignificant	No	Aurora Swanson
	<p>H.R. 7779 would establish a Good Samaritan pilot program and authorize the Environmental Protection Agency to issue permits for projects to remediate mine residue at abandoned hardrock mine sites. The bill would establish a remediation fund for federal agencies to administer projects carried out by Good Samaritans (entities that are not current owners or operators of an abandoned site; had no role in the creation of the mine residue; and are not potentially liable under any law for the remediation, treatment, or control of the mine residue). The spending would be funded by appropriations, and by deposits from nonfederal sources, such as donations, agreements for long-term operations and maintenance costs, and insurance proceeds if a Good Samaritan fails to complete a project. The bill also would waive the applicability of all other laws with respect to the use of the fund, including the Antideficiency Act, which could allow amounts to be obligated before expected deposits into the fund are received. However, CBO expects that spending of any such advance obligations would be constrained by amounts ultimately deposited into the fund. On that basis, CBO estimates that enacting H.R. 7779 would increase net direct spending by less than \$500,000 over the 2025–2034 period and have no effect on revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.</p>										
H.R. 8505	Household Goods Shipping Consumer Protection Act.	Ordered reported.	09/18/24	400	0	Between zero and \$500,000	Not estimated	Yes	No	No	Zunara Naeem
	<p>H.R. 8505 would allow the Federal Motor Carrier Safety Administration to assess penalties for entities that illegally ship household goods. The bill also would allow states to enforce and collect fines on such entities. As a result, CBO estimates that enacting H.R. 8505 could increase revenues because those penalties are recorded in the budget as revenues. Because the number of entities affected is likely to be small, CBO estimates that the increase in revenues would be less than \$500,000 over the 2025–2034 period. CBO estimates that enacting the bill would have no effect on direct spending. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.</p>										
H.R. 8530	Improving Federal Building Security Act of 2024.	Ordered reported.	09/18/24	800	Between zero and \$500,000	0	Not estimated	Yes	No	No	Matthew Pickford
	<p>H.R. 8530 would require federal agencies to respond within 90 days to recommendations by the Federal Protective Service, within the Department of Homeland Security (DHS), concerning building security. Agencies could adopt or reject those recommendations but would need to explain their rejections. The bill would require DHS to track recommendations and responses and to report annually to the Congress concerning all recommendations. Enacting H.R. 8530 could increase direct spending by some agencies that are allowed to use fees, receipts from the sale of goods, and other collections to cover operating costs. CBO estimates that any net changes in direct spending by those agencies would be negligible because most of them can adjust amounts collected to reflect changes in operating costs. CBO estimates that enacting H.R. 8530 would have no effect on revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.</p>										
H.R. 8692	The Amtrak Transparency and Accountability for Passengers and Taxpayer Act.	Ordered reported.	09/18/24	400	0	0	0	No	No	Yes	Zunara Naeem
	<p>H.R. 8692 would require Amtrak to hold open meetings in accordance with current requirements for most federal agencies. Because Amtrak is considered a nonfederal entity, CBO estimates that enacting H.R. 8692 would have no effect on the federal budget. The bill would impose a private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) that would not exceed the annual threshold established in UMRA (\$200 million in 2024, adjusted annually for inflation). The bill contains no intergovernmental mandates as defined in UMRA.</p>										

Bill Number	Bill Title	Ordered reported	09/18/24	400	0	0	0	0	0	No	No	Yes	Kelly Durand
H.R. 8995	Baby Changing on Board Act	Ordered reported.	09/18/24	400	0	0	0	0	0	No	No	Yes	Kelly Durand
H.R. 9024	Extreme Weather and Heat Response Modernization Act	Ordered reported.	09/18/24	450	0	0	0	0	0	No	No	No	Jon Sperl
H.R. 9313	Think Differently About Building Accessibility Act	Ordered reported.	09/18/24	800	0	0	0	0	0	No	No	No	Matthew Pickford
H.R. 9541	POWER Act of 2024	Ordered reported.	09/18/24	450	0	0	0	0	0	No	No	No	Jon Sperl
H.R. 9591	A bill to require the Administrator of General Services to sell certain property related to United States Penitentiary, Leavenworth, and for other purposes.	Ordered reported.	09/18/24	800	Between -\$500,000 and zero	0	0	0	0	Not estimated	No	No	Emma Uebelhor
H.R. 9750	Natural Disaster Recovery Program Act of 2024.	Ordered reported.	09/25/24	450	0	0	0	0	0	Not estimated	No	No	Jon Sperl

**ESTIMATED BUDGETARY EFFECTS AND MANDATES INFORMATION—Continued**

Bill number	Title	Status	Last action	Budget function	Direct spending, 2025-2034	Revenues, 2025-2034	Spending subject to appropriation, 2025-2029	Pay-as-you-go procedures apply?	Budgetary effects after 2034	Mandates	Contact
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H.R. 9750 would create a Natural Disaster Recovery Fund, to be administered by the Federal Emergency Management Agency, from which the agency would make grants to state and tribal governments to cover unmet needs following major disasters. Those governments would determine how funds are spent. The bill also would expand the availability of disaster assistance for housing repairs and require several reports related to disaster recovery programs. CBO estimates that enacting H.R. 9750 would not affect direct spending or revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

## 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 is to require the Administrator of General Services to sell certain property related to the United States Penitentiary, Leavenworth.

## DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 9591 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.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED  
TARIFF BENEFITS

In compliance with clause 9 of 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 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* (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 finds that H.R. 9591 does not preempt any state, local, or tribal law.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the definition of Section 5(b) of the appendix to Title 5, United States Code, are 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* (Public Law 104–1).

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Section 1. Real property conveyance*

Subsection (a) directs the Administrator of General Services, on behalf of the Director of the Bureau of Prisons, to sell the property

for fair market value and highest and best use not later than two years after enactment of the Act.

Subsection (b) provides a description of the property to be sold to include all property, including all buildings and improvements thereon, located in the State of Missouri connected to the United States Penitentiary, Leavenworth, Kansas and administered by BOP.

Subsection (c) directs that a survey be completed that is satisfactory to the Administrator of General Services to provide the exact legal description of the property to be sold. The Committee expects that completion of such survey should be the responsibility of BOP and reimbursed by the proceeds of the sale.

Subsection (d) requires BOP to address any deferred maintenance required pursuant to the agreement between the United States and the Farley-Beverly Drainage District entered into on April 18, 1967, prior to the sale of the property.

Subsection (e) requires any costs incurred for the completion of the survey or other activities undertaken to prepare the property for sale, including costs related to the deferred maintenance requirements, be reimbursed from the gross proceeds of the sale.

Subsection (f) requires net proceeds be deposited into the Federal Buildings Fund and makes it subject to future appropriations.

Subsection (g) prohibits selling the property to any foreign person or entity.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported by the Committee, H.R. 9591 makes no changes in existing law.

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