

FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT  
REAL PROPERTY ACT OF 2005

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DECEMBER 16, 2005.—Ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Transportation and  
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3699]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3699) to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes, 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. SHORT TITLE.**

This Act may be cited as the “Federal and District of Columbia Government Real Property Act of 2005”.

**TITLE I—REAL PROPERTY CONVEYANCES BETWEEN THE GENERAL SERVICES ADMINISTRATION AND THE DISTRICT OF COLUMBIA**

**SEC. 101. EXCHANGE OF TITLE OVER RESERVATION 13 AND CERTAIN OTHER PROPERTIES.**

(a) CONVEYANCE OF PROPERTIES.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in—

- (A) U.S. Reservation 13, subject to the conditions described in subsection (b); and
- (B) Old Naval Hospital.

(2) PROPERTIES DEFINED.—In this section—

(A) the term “U.S. Reservation 13” means that parcel of land in the District of Columbia consisting of the approximately 66 acres which is bounded on the north by Independence Avenue Southeast, on the west by 19th Street Southeast, on the south by G Street Southeast, and on the east by United States Reservation 343, and being the same land described in the Federal transfer letter of October 25, 2002, from the United States to the District of Columbia, and subject to existing matters of record; and

(B) the term “Old Naval Hospital” means the property in the District of Columbia consisting of Square 948 in its entirety, together with all the improvements thereon.

(b) CONDITIONS FOR CONVEYANCE OF RESERVATION 13.—As a condition for the conveyance of U.S. Reservation 13 to the District of Columbia under this section, the District of Columbia shall agree—

(1) to set aside a portion of the property for the extension of Massachusetts Avenue Southeast and the placement of a potential commemorative work to be established pursuant to chapter 89 of title 40, United States Code, at the terminus of Massachusetts Avenue Southeast (as so extended) at the Anacostia River;

(2) to convey all right, title, and interest of the District of Columbia in the portion set aside under paragraph (1) to the Secretary of the Interior (acting through the Director of the National Park Service) at such time as the Secretary may require, if a commemorative work is established in the manner described in paragraph (1); and

(3) to permit the Court Services and Offender Supervision Agency for the District of Columbia to continue to occupy a portion of the property consistent with the requirements of the District of Columbia Appropriations Act, 2002 (Public Law 107–96; 115 Stat. 931).

(c) DISTRICT OF COLUMBIA PROPERTY TO BE CONVEYED TO THE ADMINISTRATOR.—The property described in this subsection is the real property consisting of Building Nos. 16, 37, 38, 118, and 118–A and related improvements, together with the real property underlying those buildings and improvements, on the West Campus of Saint Elizabeths Hospital, as described in the quitclaim deed of September 30, 1987, by and between the United States and the District of Columbia and recorded in the Office of the Recorder of Deeds of the District of Columbia on October 7, 1987.

#### SEC. 102. TERMINATION OF CLAIMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States is not required to perform, or to reimburse the District of Columbia for the cost of performing, any of the following services:

(1) Repairs or renovations pursuant to section 4(f) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225b(f); sec. 44–903(f), D.C. Official Code).

(2) Preservation, maintenance, or repairs pursuant to a use permit executed on September 30, 1987, under which the United States (acting through the Secretary of Health and Human Services) granted permission to the District of Columbia to use and occupy portions of the Saint Elizabeths Hospital property known as the “West Campus”.

(3) Mental health diagnostic and treatment services for referrals as described in section 9(b) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225g(b); sec. 44–908(b), D.C. Official Code), but only with respect to services provided on or before the date of the enactment of this Act.

(b) EFFECT ON PENDING CLAIMS.—Any claim of the District of Columbia against the United States for the failure to perform, or to reimburse the District of Columbia for the cost of performing, any service described in subsection (a) which is pending as of the date of the enactment of this Act shall be extinguished and terminated.

## TITLE II—STREAMLINING MANAGEMENT OF PROPERTIES LOCATED IN THE DISTRICT OF COLUMBIA

#### SEC. 201. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN PROPERTIES.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM DISTRICT OF COLUMBIA TO UNITED STATES.—Administrative jurisdiction over each of the following properties (owned by the United States and as depicted on the Map) is hereby transferred, subject to the terms in this subsection, from the District of Columbia to the Secretary of the Interior for administration by the Director:

(1) An unimproved portion of Audubon Terrace Northwest, located east of Linnean Avenue Northwest, that is within U.S. Reservation 402 (National Park Service property).

(2) An unimproved portion of Barnaby Street Northwest, north of Aberfoyle Place Northwest, that abuts U.S. Reservation 545 (National Park Service property).

(3) A portion of Canal Street Southwest, and a portion of V Street Southwest, each of which abuts U.S. Reservation 467 (National Park Service property).

(4) Unimproved streets and alleys at Fort Circle Park located within the boundaries of U.S. Reservation 497 (National Park Service property).

(5) An unimproved portion of Western Avenue Northwest, north of Oregon Avenue Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(6) An unimproved portion of 17th Street Northwest, south of Shepherd Street Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(7) An unimproved portion of 30th Street Northwest, north of Broad Branch Road Northwest, that is within the boundaries of U.S. Reservation 515 (National Park Service property).

(8) A portion of U.S. Reservation 357 at Whitehaven Parkway Northwest, previously transferred to the District of Columbia in conjunction with the former proposal for a residence for the Mayor of the District of Columbia.

(b) **TRANSFER OF ADMINISTRATIVE JURISDICTION FROM UNITED STATES TO DISTRICT OF COLUMBIA.**—Administrative jurisdiction over the following property owned by the United States and depicted on the Map is hereby transferred from the Secretary to the District of Columbia for administration by the District of Columbia:

(1) A portion of U.S. Reservation 451.

(2) A portion of U.S. Reservation 404.

(3) U.S. Reservations 44, 45, 46, 47, 48, and 49.

(4) U.S. Reservation 251.

(5) U.S. Reservation 8.

(6) U.S. Reservations 277A and 277C.

(7) Portions of U.S. Reservation 470.

(c) **EFFECTIVE DATE.**—The transfers of administrative jurisdiction under this section shall take effect on the date of the enactment of this Act.

#### **SEC. 202. EXCHANGE OF TITLE OVER CERTAIN PROPERTIES.**

(a) **CONVEYANCE OF TITLE.**—

(1) **IN GENERAL.**—On the date on which the District of Columbia conveys to the Secretary all right, title, and interest of the District of Columbia in each of the properties described in subsection (b) for use as described in such subsection, the Secretary shall convey to the District of Columbia all right, title, and interest of the United States in each of the properties described in subsection (c).

(2) **ADMINISTRATION BY NATIONAL PARK SERVICE.**—The properties conveyed by the District of Columbia to the Secretary under this section shall be administered by the Director upon conveyance.

(b) **PROPERTIES TO BE CONVEYED TO THE SECRETARY; USE.**—The properties described in this subsection and their uses are as follows (as depicted on the Map):

(1) Lovers Lane Northwest, abutting U.S. Reservation 324, for the closure of a one-block long roadway adjacent to Montrose Park.

(2) Needwood, Niagara, and Pitt Streets Northwest, within the Chesapeake and Ohio Canal National Historical Park, for the closing of the rights-of-way now occupied by the Chesapeake and Ohio Canal.

(c) **PROPERTIES TO BE CONVEYED TO THE DISTRICT OF COLUMBIA.**—The properties described in this subsection are as follows (as depicted on the Map):

(1) U.S. Reservation 17A.

(2) U.S. Reservation 484.

(3) U.S. Reservations 243, 244, 245, and 247.

(4) U.S. Reservations 128, 129, 130, 298, and 299.

(5) Portions of U.S. Reservations 343D and 343E.

(6) U.S. Reservations 721, 722, and 723.

#### **SEC. 203. CONVEYANCE OF UNITED STATES RESERVATION 174.**

(a) **CONVEYANCE; USE.**—If the District of Columbia enacts a final plan for the development of the former Convention Center Site which meets the requirements of subsection (b)—

(1) the Secretary shall convey all right, title, and interest of the United States in U.S. Reservation 174 (as depicted on the Map) to the District of Columbia upon the enactment of such plan; and

(2) the District shall use the property so conveyed in accordance with such plan.

(b) REQUIREMENTS FOR DEVELOPMENT PLAN.—The plan for the development of the former Convention Center Site meets the requirements of this subsection if—

(1) the plan is developed through a public process;

(2) during the process for the development of the plan, the District of Columbia considers at least one version of the plan under which the entire portion of U.S. Reservation 174 which is set aside as open space as of the date of the enactment of this Act shall continue to be set aside as open space (including a version under which facilities are built under the surface of such portion); and

(3) not less than 1¼ acres of the former Convention Center Site are set aside for open space under the plan.

(c) FORMER CONVENTION CENTER SITE DEFINED.—In this section, the “former Convention Center Site” means the parcel of land in the District of Columbia which is bounded on the east by 9th Street Northwest, on the north by New York Avenue Northwest, on the west by 11th Street Northwest, and on the south by H Street Northwest.

#### SEC. 204. CONVEYANCE OF PORTION OF RFK STADIUM SITE FOR EDUCATIONAL PURPOSES.

Section 7 of the District of Columbia Stadium Act of 1957 (sec. 3–326, D.C. Official Code) is amended by adding at the end the following new subsection:

“(e)(1) Upon receipt of a written description from the District of Columbia of a parcel of land consisting of not more than 15 contiguous acres (hereafter in this subsection referred to as ‘the described parcel’), with the longest side of the described parcel abutting one of the roads bounding the property, within the area designated ‘D’ on the revised map entitled ‘Map to Designate Transfer of Stadium and Lease of Parking Lots to the District’ and bound by Oklahoma Avenue Northeast, Benning Road Northeast, the Metro line, and Constitution Avenue Northeast, and a long-term lease executed by the District of Columbia that is contingent upon the Secretary’s conveyance of the described parcel and for the purpose consistent with this paragraph, the Secretary shall convey all right, title, and interest in the described parcel to the District of Columbia for the purpose of siting, developing, and operating an educational institution for the public welfare, with first preference given to a pre-collegiate public boarding school.

“(2) Upon conveyance under paragraph (1), the portion of the stadium lease that affects the described parcel and all the conditions associated therewith shall terminate, the described parcel shall be removed from the ‘Map to Designate Transfer of Stadium and Lease of Parking Lots to the District’, and the long-term lease described in paragraph (1) shall take effect immediately.”.

### TITLE III—POPLAR POINT

#### SEC. 301. CONVEYANCE OF POPLAR POINT TO DISTRICT OF COLUMBIA.

(a) CONVEYANCE.—Upon certification by the Secretary of the Interior (acting through the Director) that the District of Columbia has adopted a land-use plan for Poplar Point which meets the requirements of section 302, the Director shall convey to the District of Columbia all right, title, and interest of the United States in Poplar Point, in accordance with this title.

(b) WITHHOLDING OF EXISTING FACILITIES AND PROPERTIES OF NATIONAL PARK SERVICE FROM INITIAL CONVEYANCE.—The Director shall withhold from the conveyance made under subsection (a) the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service in Poplar Point prior to the adoption of the land-use plan referred to in subsection (a), as identified in such land-use plan in accordance with section 302(c).

#### SEC. 302. REQUIREMENTS FOR POPLAR POINT LAND-USE PLAN.

(a) IN GENERAL.—The land-use plan for Poplar Point meets the requirements of this section if the plan includes each of the following elements:

(1) The plan provides for the reservation of a portion of Poplar Point for park purposes, in accordance with subsection (b).

(2) The plan provides for the identification of existing facilities and related properties of the National Park Service, and the relocation of the National Park Service to replacement facilities and related properties, in accordance with subsection (c).

(3) Under the plan, at least two sites within the areas designated for park purposes are set aside for the placement of potential commemorative works to be established pursuant to chapter 89 of title 40, United States Code, and the

plan includes a commitment by the District of Columbia to convey back those sites to the National Park Service at the appropriate time, as determined by the Secretary.

(4) To the greatest extent practicable, the plan is consistent with the Anacostia Waterfront Framework Plan referred to in section 103 of the Anacostia Waterfront Corporation Act of 2004 (sec. 2–1223.03, D.C. Official Code).

(b) **RESERVATION OF AREAS FOR PARK PURPOSES.**—The plan shall identify a portion of Poplar Point consisting of not fewer than 70 acres (including wetlands) which shall be reserved for park purposes and shall require such portion to be reserved for such purposes in perpetuity, and shall provide that any person (including an individual or a public entity) shall have standing to enforce the requirement.

(c) **IDENTIFICATION OF EXISTING AND REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.**—

(1) **IDENTIFICATION OF EXISTING FACILITIES.**—The plan shall identify the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service in Poplar Point prior to the adoption of the plan.

(2) **RELOCATION TO REPLACEMENT FACILITIES.**—

(A) **IN GENERAL.**—To the extent that the District of Columbia and the Director determine jointly that it is no longer appropriate for the National Park Service to occupy or otherwise use any of the facilities and related property identified under paragraph (1), the plan shall—

(i) identify other suitable facilities and related property (including necessary easements and utilities related thereto) in the District of Columbia to which the National Park Service may be relocated;

(ii) provide that the District of Columbia shall take such actions as may be required to carry out the relocation, including preparing the new facilities and properties and providing for the transfer of such fixtures and equipment as the Director may require; and

(iii) set forth a timetable for the relocation of the National Park Service to the new facilities.

(B) **RESTRICTION ON USE OF PROPERTY RESERVED FOR PARK PURPOSES.**—The plan may not identify any facility or property for purposes of this paragraph which is located on any portion of Poplar Point which is reserved for park purposes in accordance with subsection (b).

(3) **CONSULTATION REQUIRED.**—In developing each of the elements of the plan which are required under this subsection, the District of Columbia shall consult with the Director.

#### **SEC. 303. CONVEYANCE OF REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.**

(a) **CONVEYANCE OF FACILITIES AND RELATED PROPERTIES.**—Upon certification by the Director that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied or used by the National Park Service—

(1) the District of Columbia shall convey to the Director all right, title, and interest in the facilities and related property (including necessary easements and utilities related thereto) to which the National Park Service is to be relocated (without regard to whether such facilities are located in Poplar Point); and

(2) the Director shall convey to the District of Columbia all, right, title, and interest in the facilities and related property which were withheld from the conveyance of Poplar Point under section 301(b) and from which the National Park Service is to be relocated.

(b) **RESTRICTION ON CONSTRUCTION PROJECTS PENDING CERTIFICATION OF FACILITIES.**—

(1) **IN GENERAL.**—The District of Columbia may not initiate any construction project with respect to Poplar Point until the Director makes the certification referred to in subsection (a).

(2) **EXCEPTION FOR PROJECTS REQUIRED TO PREPARE FACILITIES FOR OCCUPATION BY NATIONAL PARK SERVICE.**—Paragraph (1) shall not apply with respect to any construction project required to ensure that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied by the National Park Service.

#### **SEC. 304. POPLAR POINT DEFINED.**

In this title, “Poplar Point” means the parcel of land in the District of Columbia which is owned by the United States and which is under the administrative jurisdiction of the District of Columbia or the Director on the day before the date of enact-

ment of this Act, and which is bounded on the north by the Anacostia River, on the northeast by and inclusive of the southeast approaches to the 11th Street bridges, on the southeast by and inclusive of Route 295, and on the northwest by and inclusive of the Frederick Douglass Memorial Bridge approaches to Suitland Parkway, as depicted on the Map.

## **TITLE IV—GENERAL PROVISIONS**

### **SEC. 401. DEFINITIONS.**

In this Act, the following definitions apply:

- (1) The term “Administrator” means the Administrator of General Services.
- (2) The term “Director” means the Director of the National Park Service.
- (3) The term “Map” means the map entitled “Transfer and Conveyance of Properties in the District of Columbia”, numbered 869/80460, and dated July 2005, which shall be kept on file in the appropriate office of the National Park Service.
- (4) The term “Secretary” means the Secretary of the Interior.

### **SEC. 402. LIMITATION ON COSTS.**

The United States shall not be responsible for paying any costs and expenses incurred by the District of Columbia or any other parties at any time in connection with effecting the provisions of this Act or any amendment made by this Act, including costs and expenses associated with surveys, zoning, land-use processes, transfer taxes, recording taxes, recording fees, as well as the costs associated with the relocation of the National Park Service to replacement facilities required under the land-use plan for Poplar Point described in section 302(c)(2).

### **SEC. 403. DEADLINE FOR PROVISION OF DEEDS AND RELATED DOCUMENTS.**

With respect to each property conveyed under this Act or any amendment made by this Act, the Mayor of the District of Columbia, the Administrator, or the Secretary (as the case may be) shall execute and deliver a quitclaim deed or prepare and record a transfer plat, as appropriate, not later than 6 months after the property is conveyed.

### **SECTION 404. CONDITIONS FOR DEVELOPMENT OF PROPERTIES CONVEYED OR TRANSFERRED TO DISTRICT OF COLUMBIA.**

With respect to any property for which title is conveyed or administrative jurisdiction is transferred to the District of Columbia under this Act or any amendment made by this Act, the following rules shall apply:

- (1) The District shall, in the development of the property, continue to fund and use training and workforce programs that improve the skills and labor force participation of the District’s youth.
- (2) The District shall carry out the solicitation and evaluation of proposals for the development of the property in a manner which ensures, to the greatest extent practicable, the participation of disadvantaged business enterprises among the equity partners of the sponsors of the proposals.
- (3) The development of the property shall be consistent with the National Capital Planning Commission’s Memorials and Museums Master Plan of December 2001 and the recommendations of the South Capitol Street Task Force of the National Capital Planning Commission.

## **PURPOSE OF THE LEGISLATION**

The purpose of H.R. 3699, as amended, is to transfer ownership and jurisdiction of properties within the District of Columbia between the General Services Administration and Department of Interior and the government of the District of Columbia. H.R. 3699, as amended, also clarifies the terms and conditions under which these transfers are to take place.

## **BACKGROUND AND NEED FOR THE LEGISLATION**

H.R. 3699, as amended, authorizes the exchange of land between the General Services Administration (GSA) and Department of Interior’s National Park Service (NPS) and the District of Columbia (the District). Under a transfer of jurisdiction, the federal govern-

ment retains ownership of the property and the District is given authority to maintain and administer the property.

Transferring this land allows the District to utilize the lands for development to increase its tax base and decrease financial dependence on the federal government. Many of the parcels in H.R. 3699, as amended, are underutilized or neglected; consequently the transfer would help the Federal government manage existing properties by reducing maintenance backlogs. These lands are not currently providing substantial value and their transference to the District would allow taxpayer dollars to be spent on maintaining more useful properties.

The federal government will receive from the District a number of parcels of land and properties that will allow the federal government to consolidate its holdings within the District to better manage and maintain these properties and allow for future federal development at the West Campus of St. Elizabeth's Hospital.

#### SUMMARY OF THE LEGISLATION

##### *Section 1. Short title*

This section designates the title of the bill as the Federal and District of Columbia Government Real Property Act of 2005.

##### Title I—Real Property Conveyances Between the General Services Administration and the District of Columbia

Section 101: This section requires the transfer of certain properties to the District of Columbia (the District) from the General Services Administration (GSA) and conversely from the District to GSA. The properties conveyed to the District include United States Reservation 13 and the Old Naval Hospital. The properties conveyed to GSA include five buildings located at the West Campus of St. Elizabeth's Hospital.

Section 102: This section exempts the District and GSA from performance obligations otherwise required by law when properties are transferred and also terminates any outstanding claims against either entity.

##### Title II—Streamlining Management of Properties Located in the District of Columbia

Section 201: This section requires the transfer of a number of unimproved and improved properties from the administrative jurisdiction of the District to the Department of Interior (Interior) and vice versa. The properties at issue from the District are a number of rights-of-ways, alleys, triangle parks, and the lands on traffic circles. The properties transferred from the Department of Interior include portions of a number of federal reservations located in the District.

Section 202: This section requires the conveyance of title from D.C. to Interior of two properties and from Interior to the District of 14 parcels of federal land and portions of two others and from the District to Interior of two properties in Northwest D.C. adjacent to existing federal parcels.

Section 203: This section requires Interior to convey U.S. Reservation 174 to the District. This 13,500 square foot reservation at

New York Avenue and 11th Street, N.W., was transferred to the District in the 1970's as part of the site for the Old Convention Center with the condition that it was to remain as open space adjacent to the structure. Conveyance of title to the District would be conditioned upon the District completing a final plan for the Old Convention Center site through a public planning process, the plan considering an alternative that maintains U.S. 174 as open space, and the final plan including 1.25 acres of open space. During the planning process, the District must consider an alternative that will maintain the open space on U.S. Reservation 174. This alternative can involve building space constructed underneath U.S. Reservation 174.

Section 204: This section requires the Secretary to convey no more than 15 contiguous acres within National Park Service (NPS) land surrounding Robert F. Kennedy Memorial Stadium to the District for the purpose of siting, developing, and operating an educational institution for the public welfare, with the first preference given to a pre-collegiate public boarding school. The conveyance is to occur upon receipt by the Secretary of: (1) a written description of the land from the District to be conveyed; and (2) a long-term lease executed by the District that is contingent upon the Secretary's conveyance of the described parcel for the identified purpose. Upon conveyance, the portion of the existing stadium lease for the described parcel and all the conditions associated with it will terminate.

### Title III—Poplar Point

This title requires the transfer from NPS to D.C. of Poplar Point, a large park in the District. In exchange for this transfer, the District must allow the NPS to continue to occupy their facilities at Poplar Point, until such time as both agree such use is no longer necessary, and the District provides appropriate replacement space. The exchange also includes a number of restrictions on construction of facilities by the District.

### Title IV—General Provisions

Section 401: This section defines certain terms used in this Act.

Section 402: The section stipulates that the United States is not responsible for paying any costs and expenses incurred by the District or any parties in connection with effecting the provisions of this title. Such costs include, but are not limited to, costs and expenses associated with zoning, land-use process, transfer taxes, recording taxes or recording fees.

Section 403: This section requires the District, GSA, and the Secretary, must provide a quitclaim deed to the other for the property for each of the properties conveyed within six months after the conveyance.

Section 404: This section requires that for any development of property transferred to the District, such development include training and workforce programs for District youth, incorporate opportunities for small and disadvantaged businesses, and be consistent with both the National Capital Planning Commission's (NCPC) December 2001 Master Plan and the recommendations of the NCPC South Capitol Street Task Force.



## LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

H.R. 3699 was introduced by Representative Tom Davis, Delegate Eleanor Holmes Norton, and Representative Chris Van Hollen on September 8, 2005. On November 18, 2005, the Committee on Government Reform reported H.R. 3699 with an amendment. On November 18, 2005, H.R. 3699, as amended, was sequentially referred to the Committee on Transportation and Infrastructure until December 17, 2005.

On December 7, 2005, the Committee on Transportation and Infrastructure met in open session and considered H.R. 3699, as amended by the Committee on Government Reform. An amendment was offered by Mr. Shuster, making three changes to the legislation as reported by the Committee on Government Reform. The amendment deleted a provision in Section 101 and all of Section 402, which exempt the District of Columbia and the federal government from the requirements of a number of environmental requirements. Additionally, a new Section 404 was added that requires for any development of property transferred to the District, such developments shall include training and workforce programs for District youth, incorporate opportunities for small and disadvantaged businesses, and be consistent with both the National Capital Planning Commission's (NCPC) December 2001 Master Plan and the recommendations of the NCPC South Capitol Street Task Force. The amendment was adopted by voice vote, with a quorum present. A motion by Mr. Shuster to order H.R. 3699, as amended, favorably reported to the House was agreed to unanimously, by voice vote with a quorum present. There were no recorded votes taken during consideration of H.R. 3699, as amended.

## ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each roll call 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 recorded votes taken in conjunction with ordering H.R. 3699, as amended, favorably reported to the House.

## 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.

## COST OF LEGISLATION

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.

## COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are included in the legislation, as amended.

3. 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 following cost estimate for H.R. 3699, as amended, from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, December 12, 2005.*

Hon. DON YOUNG,  
*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. 3699, the Federal and District of Columbia Real Property Act of 2005.

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

Sincerely,

DONALD B. MARRON  
(For Douglas Holtz-Eakin, Director).

Enclosure.

*H.R. 3699—Federal and District of Columbia Real Property Act of 2005*

H.R. 3699 would authorize the exchange of 29 parcels of land between the federal government and the District of Columbia. CBO estimates that enacting H.R. 3699 would not significantly affect the federal budget. The bill contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would terminate certain claims of the District of Columbia against the United States. CBO estimates, however, that the cost of this mandate would not exceed the threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation). The land exchanges authorized by this bill generally would benefit the District, and any costs it would incur to fulfill the conditions of those exchanges would be incurred voluntarily. The bill would impose no other costs on any state, local, or tribal government. H.R. 3699 contains no private-sector mandates as defined in UMRA.

Under the bill, the District of Columbia would get title to nine National Park Service (NPS) and two General Services Administration (GSA) properties, including 66 acres around the site of the former D.C. General Hospital, Poplar Point (approximately 100 acres on the east side of the Anacostia River adjacent to the 11th Street Bridge), 15 acres of the Robert F. Kennedy Stadium parking lot, and four other small Potomac Avenue parcels (to permit devel-

opment of the proposed baseball stadium in southeast Washington). The District of Columbia also would gain administrative jurisdiction (which includes administration and maintenance, but not title) over seven smaller NPS properties.

In exchange, the NPS would gain administrative jurisdiction over eight properties and title to two others. GSA would gain title to five buildings on the west campus of St. Elizabeth's Hospital in southeast Washington. In addition, as part of the exchange, the United States would gain release from all current claims by the District regarding St. Elizabeth's Hospital, and the District would cover all costs associated with the relocation of federal facilities currently located at Poplar Point (headquarters of the National Capital Parks-East and the U.S. Park Police Anacostia Operations and Helicopter Facilities).

CBO estimates that conveying those federal properties to the District would not affect offsetting receipts because NPS and GSA have no plans for declaring the affected properties excess to their needs and selling them. In addition, the properties generate no significant receipts that could be lost as a result of the exchange.

Enacting H.R. 3699 could result in savings to the federal government from the release of all current claims by the District regarding St. Elizabeth's Hospital, but at present, such claims have not been adjudicated and CBO cannot estimate the value of such savings, if any.

On October 12, 2005, CBO transmitted a cost estimate for H.R. 3699 as ordered reported by the House Committee on Government Reform on September 29, 2005. The two pieces of legislation are similar, and our cost estimates are the same.

The CBO staff contacts for federal costs are Matthew Pickford and Deborah Reis. The CBO staff contact for the intergovernmental impact is Marjorie Miller. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

#### 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 in-

tended to preempt state, local or tribal law. The Committee states that H.R. 3699 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.

#### APPLICABILITY TO THE 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).

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### SECTION 7 OF THE DISTRICT OF COLUMBIA STADIUM ACT OF 1957

SEC. 7. (a) \* \* \*

\* \* \* \* \*

(e)(1) *Upon receipt of a written description from the District of Columbia of a parcel of land consisting of not more than 15 contiguous acres (hereafter in this subsection referred to as "the described parcel"), with the longest side of the described parcel abutting one of the roads bounding the property, within the area designated "D" on the revised map entitled "Map to Designate Transfer of Stadium and Lease of Parking Lots to the District" and bound by Oklahoma Avenue Northeast, Benning Road Northeast, the Metro line, and Constitution Avenue Northeast, and a long-term lease executed by the District of Columbia that is contingent upon the Secretary's conveyance of the described parcel and for the purpose consistent with this paragraph, the Secretary shall convey all right, title, and interest in the described parcel to the District of Columbia for the purpose of siting, developing, and operating an educational institution for the public welfare, with first preference given to a pre-collegiate public boarding school.*

(2) *Upon conveyance under paragraph (1), the portion of the stadium lease that affects the described parcel and all the conditions associated therewith shall terminate, the described parcel shall be removed from the "Map to Designate Transfer of Stadium and Lease of Parking Lots to the District", and the long-term lease described in paragraph (1) shall take effect immediately.*