

FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT
REAL PROPERTY ACT OF 2005

NOVEMBER 18, 2005.—Ordered to be printed

Mr. TOM DAVIS of Virginia, from the Committee on Government Reform, 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 Government Reform, 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.

CONTENTS

Committee Statement and Views	Page 7
Section-by-Section	8
Explanation of Amendments	14
Committee Consideration	15
Rollcall Votes	15
Application of Law to the Legislative Branch	15
Statement of Oversight Findings and Recommendations of the Committee	15
Statement of General Performance Goals and Objectives	15
Constitutional Authority Statement	15
Federal Advisory Committee Act	15
Unfunded Mandate Statement	15
Committee Estimate	16
Budget Authority and Congressional Budget Office Cost Estimate	16
Changes in Existing Law Made by the Bill as Reported	17

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.

(d) LIMITATION ON ENVIRONMENTAL LIABILITY.—Notwithstanding any other provision of law—

(1) the District of Columbia shall not be responsible for any environmental liability, response action, remediation, corrective action, damages, costs, or expenses associated with the property for which title is conveyed to the Administrator of General Services under this section; and

(2) all environmental liability, responsibility, remediation, damages, costs, and expenses as required by applicable Federal, State and local law, including the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (known as Clean Water Act) (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Rivers and Harbors Act (33 U.S.C. 540 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601, et seq.), and the Oil Pollution Act (33 U.S.C. 2701 et seq.) for such prop-

erty shall be borne by the United States, which shall conduct all environmental activity with respect to such properties, and bear any and all costs and expenses of any such activity.

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 oper-

ating 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 enactment 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 ENVIRONMENTAL LIABILITY.

Notwithstanding any other provision of law—

(1) the United States shall not be responsible for any environmental liability, response action, remediation, corrective action, damages, costs, or expenses associated with any property for which title is conveyed to the District of Columbia under this Act or any amendment made by this Act; and

(2) all environmental liability, responsibility, remediation, damages, costs, and expenses as required by applicable Federal, state and local law, including the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (known as Clean Water Act) (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Rivers and

Harbors Act (33 U.S.C. 540 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601, et seq.), and the Oil Pollution Act (33 U.S.C. 2701 et seq.) for any such property shall be borne by the District of Columbia, which shall conduct all environmental activity with respect to such properties, and bear any and all costs and expenses of any such activity.

SEC. 403. 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. 404. 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.

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

H.R. 3699 authorizes the exchange of certain land parcels between the federal government (the General Services Administration (GSA) and the Department of Interior's National Park Service (NPS)) and the District of Columbia.

BACKGROUND AND NEED FOR LEGISLATION

Recognizing the Federal government's special relationship with the District of Columbia, the Bush Administration proposed the transference of land between the two jurisdictions. The Administration stated that "the Federal Government has a unique relationship with the District of Columbia and shares responsibility to ensure the Nation's capital is one of the great cities of the world. This proposal advances that important Federal interest". The proposal was submitted to Congress on July 15, 2005 with the strong support of the District.

Congressman Tom Davis, Chairman of the Committee on Government Reform introduced H.R. 3699 authorizing the exchange of certain land parcels between the General Services Administration, the Secretary of the Interior and the District of Columbia.

The legislation as introduced would authorize the following transfers:

- NPS would transfer administrative jurisdiction of 7 parcels to the District of Columbia.
- NPS would convey title of 9 properties to the District.
- The District would transfer administrative jurisdiction of 8 properties to NPS.
- The District would convey title of 2 properties to NPS.
- GSA would convey title of 2 properties to the District.
- The District would convey title to GSA buildings located on the campus of St. Elizabeths.

The transference of land would allow the District to further develop the lands to increase the city's tax base and decrease its financial dependence on the Federal government. The potential impact to the city could be significant. The District hopes to develop parcels of land to enhance economic revitalization in the District,

build neighborhoods, and develop park areas to improve the quality of life for D.C. residents and those who visit and work in the Nation's Capital. This revitalization would contribute to the advancement of the Nation's capitol as a healthy and vibrant city.

In some cases, the District has administrative jurisdiction over certain parcels, allowing the District to develop, operate, and manage the parcels. Under a transfer of jurisdiction, the transferor retains ownership of the property while the transferee may be given authority to administer and maintain (manage) the property. Title to property allows the owner to possess, control and assert all rights over the property. With regard to Reservation 13, the District has been the sole user of the property since 1848 and was given administrative control of Reservation 13 on October 25, 2002. All improvements on Reservation 13 have been constructed and maintained by the District. The conveyance would allow the District all rights to expand governmental services and facilities already located on the site

In addition, many of the parcels in H.R. 3699 are underutilized or have been neglected. The transfers would help the Department of Interior and the General Services Administration manage their properties to preserve and protect public lands for future generations by reducing maintenance backlogs. The federal government spends billions of dollars to maintain land and yet some properties are in disrepair or lack adequate infrastructure. This proposal would remove properties in the District from the Federal government's portfolio that are not providing substantial value to the Federal government or are an unnecessary burden to maintain, enabling taxpayer dollars to be spent maintaining properties that are of use to the Federal government.

SECTION-BY-SECTION

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. Exchange of title over Reservation 13 and certain other properties

This section requires the General Services Administration (GSA) to convey Reservation 13 and the Old Naval Hospital to the District of Columbia (the District). Reservation 13 consists of 65 acres in southeast Washington, D.C. It is bound on the west by 19th Street, on the north by Independence Avenue, on the south by Congressional Cemetery, and on the east by a Park Service property known as Reservation 343 which extends to the Anacostia River. The property was acquired by the government in 1798 with the layout and creation of the District of Columbia and held as a reservation since that time.

Although owned in fee by the federal government, Reservation 13 has been used, improved, operated, and maintained by the government of the District of Columbia since the 1840's. The site has been used, and continues to be used, as the location for such installa-

tions as a hospital, sewage treatment plant, morgue, and correctional facility. On-site buildings and infrastructure were authorized by Congress to be located on the site in legislation funding their construction.

The property was transferred to the District on October 25, 2002 without reimbursement pursuant to FPMR 101-47.203 (now FMR 102-75.75), which covers federal transfers and specifically cites the District's eligibility for such transactions. Although custody and accountability for the property was transferred to the District, title remains vested in the United States. Therefore, under its current status, the District cannot sell the property.

The conveyance of Reservation 13 is subject to existing matters of record, including a reservation of title for a national commemorative work and for the extension of Massachusetts Avenue. The conveyance also stipulates that the Court Services and Offender Supervision Agency for the District of Columbia, a federal agency, has the right to remain on the site.

The Old Naval Hospital consist of 0.705 acre in southeast Washington, D.C. It is bound by Pennsylvania Avenue on the north, E Street on the south, 9th Street on the west, and 10th Street on the east. The property has been unused for a number of years, but is still structurally sound and in need of substantial rehabilitation. The land was acquired by the government between 1821 and 1865. Construction of the existing structures began 1862 and was completed in 1866. It was operated by the Navy as a hospital from 1866 to 1922 when Congress authorized the Navy to lease the property to a non-profit organization to house indigent sailors and soldiers. In 1961 it was closed and reported excess by the Navy to GSA for further federal use or disposal. In April 1962, jurisdiction was transferred to the District of Columbia under 40 U.S.C. 122. The District of Columbia holds custody and accountability for the property by virtue of the Transfer of Jurisdiction, but the United States retains title to the land. The property was cited by the D.C. Joint Commission on Landmarks, and included on the National Register of Historic Places in 1974.

The District is to convey to GSA five buildings on the West Campus of St. Elizabeths Hospital. The District is not responsible for any environmental liability, response action, remediation, corrective action, damages, costs, or expenses of the property transferred to the United States. The United States is required to conduct all environmental activity with respect to the property, and bear any and all costs and expenses of any such activity. On the date on which the District conveys to GSA all right, title, and interest in these properties, GSA is to convey Reservation 13 and the Old Naval Hospital to the District of Columbia.

Section 102. Termination of claims

This section is intended to supersede pending claims against the United States and certain agencies of the United States for performance or reimbursement as described below. The section provides that neither the United States nor any of its agencies, officers, or employees are obligated to the District to perform, or to reimburse the cost of: (1) repairs or renovations pursuant to the St. Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225 et seq); (2) preservation, maintenance, or

repair pursuant to a use permit under which the Department of Health and Human Services granted permission to the District to occupy portions of the West Campus of St. Elizabeths; or (3) mental health diagnostic and treatment services for referrals as described in the St. Elizabeths Hospital and District of Columbia Mental Health Services Act, up to and including the effective date of this Act, but not subsequent to that date.

Title II—Streamlining management of properties located in the District of Columbia

Section 201. Transfer of administrative jurisdiction over certain properties

The following properties are proposed for transfer or conveyance between the District of Columbia and the Secretary of the Interior for administration by the National Park Service.

Unimproved portion of Audubon Terrace, NW: This is unimproved wooded property encumbered by an un-built street right-of-way within NPS parkland. The transfer would provide continuity of management by NPS.

Unimproved portion of Barnaby Street, NW: This is unimproved wooded property encumbered by an un-built street right-of-way within NPS parkland. The transfer would provide continuity of management by NPS.

Portions of Canal Street, SW and V Street, SW: This is unimproved property encumbered by an un-built street right-of-way which abuts NPS parkland. The transfer would facilitate implementation of approved plan to enhance existing NPS concession-operated marina.

Unimproved Streets and Alleys at Fort Circle Park: This is unimproved wooded property encumbered by several contiguous un-built street rights-of-way within NPS parkland. The transfer would provide continuity of management by NPS.

Unimproved portion of Western Avenue, NW: This is unimproved property encumbered by an un-built street right-of-way within NPS parkland. The transfer would provide continuity of management by NPS.

Unimproved portion of 17th Street, NW: This is unimproved wooded property encumbered by an un-built street right-of-way abutting NPS parkland. The transfer would provide continuity of management by NPS.

Unimproved portion of 30th Street, NW: This is unimproved wooded property encumbered by an un-built street right-of-way within NPS parkland. The transfer would provide continuity of management by NPS.

Portion of Whitehaven Parkway, NW: This is property that was previously transferred to the District for a proposed mayoral residence never built at this location. The transfer would provide continuity of management by NPS.

On the date of enactment, administrative jurisdiction of nine specified properties owned by the United States and depicted on the Map is transferred from the District of Columbia to the Secretary of the Interior (the Secretary) for administration by the National Park Service (NPS).

Also on the day of enactment, administrative jurisdiction of seven specified properties owned by the United States will be transferred to the District. The following properties are to be transferred from the Secretary to the District of Columbia:

Portion of U.S. Reservation 451: This parkland is encumbered with a one-block section of Gallatin Street, NW, which provides access to an existing District public works facility.

Portion of U.S. Reservation 404: This property is beneath Canal Road, NW, and is currently the subject of a right-of-way permit to the District. This transfer would provide the District with the requisite interest to adequately operate and maintain the existing roadway.

U.S. Reservations 44, 45, 46, 47, 48 and 49: This parkland at Eastern Market is contiguous to the Eastern Market Metro Station. The transfer would allow the District to rehabilitate and enhance the northern limits of a newly renovated commercial strip along 8th Street, SE.

U.S. Reservation 251: This property is at 8th, SE and M Street, SE. This transfer would allow the District to rehabilitate and enhance the southern terminus of a newly renovated commercial strip along 8th Street, SE.

U.S. Reservation 8: This property at Mount Vernon Square surrounds the City Museum (Carnegie Library), which is owned by the District. This transfer would provide uniform ownership and more efficient management of the entire Square by the District.

U.S. Reservations 277A and 277C: These properties are located at North Capitol Street and Florida Avenue, NW, and at North Capitol Street and Lincoln Road, NE. Through a misunderstanding, the District issued permits to local community groups authorizing the landscaping of these properties. The transfer would provide continuity of management for the District.

Portion of U.S. Reservation 470: This Fort Reno Park property contains a salt dome and leaf collection and storage operation that the District has operated under permits from the NPS for many years. This transfer would provide the District with the proper interest in the property to administer and maintain new facilities at this location.

Section 202. Exchange of title over certain properties

This section requires the Secretary, on the date on which the District conveys to the Secretary all right, title, and interest in two specified properties, to convey to the District all right, title, and interest to six specified properties.

The following two properties are to be conveyed by the District of Columbia to the Secretary:

Lovers Lane, NW: This property is a one-block long former roadway located adjacent to Montrose Park and Dumbarton Oaks, which is owned by Harvard University. The conveyance would facilitate elimination of the unused roadbed and would provide NPS and Dumbarton Oaks with sufficient interests to perform maintenance along walls and other park facilities along the roadway.

Needwood, Niagara and Pitt Streets: This property is a former street rights-of-way and has been occupied by the Chesapeake and Ohio Canal since the 19th century. The conveyance would provide

the NPS with sufficient interests to manage portions of the Chesapeake and Ohio Canal National Historical Park in Georgetown.

The following six properties are to be conveyed by the Secretary to the District of Columbia:

U.S. Reservation 17A: This former trash transfer site was transferred to the District for trash disposal purposes in 1947. Conveyance of title would permit the District to implement the approved Near Southeast Redevelopment Plan.

U.S. Reservation 484: This property at Randall School and park was transferred to the District for recreation purposes in 1973. Conveyance of title would permit redevelopment of South Capitol Street by the District.

U.S. Reservations 243, 244, 245, and 247: These triangles at Potomac Avenue were transferred to the District for highway purposes in 1944. Conveyance of title would permit development in conjunction with the proposed baseball stadium.

U.S. Reservations 128, 129, 130, 298 and 299: These triangles are located at Virginia Avenue. Conveyance of title would allow the District to reconfigure the small triangles into useable open space in conjunction with redevelopment of adjacent private property in accordance with the Anacostia Waterfront Plan.

Portions of U.S. Reservations 343D and 343E: This narrow stretch of Anacostia Park at 11th Street, SE, is occupied by District Public Works facilities, U.S. Corps of Engineers facilities, District Water and Sewer facilities, Anacostia Community Boathouse Association, Inc., Washington Yacht Club, District Yacht Club, Eastern Power Boat Club, Seafarers Boat Club and the Anacostia Marina. Conveyance of title to the District provides the opportunity for the District to redevelop and enhance the marina. This cannot be achieved under NPS authorities.

U.S. Reservations 721, 722, and 723: These three small reservations at Waterside Mall were created as urban parks as part of the southwest urban renewal in the 1970s. Conveyance of title would provide the District with an opportunity to reconfigure the property in the private redevelopment of Waterside Mall, including the reopening of 4th Street.

Section 203. Conveyance of United States Reservation 174

This section requires the Secretary to convey U.S. Reservation 174 to the District of Columbia. This 13,500 square foot reservation at New York Avenue and 11th Street, NW, was transferred to the District in the 1970s 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. Conveyance of portion of RFK Stadium site for educational purposes

This section requires the Secretary to convey no more than 15 contiguous acres within 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

Section 301. Conveyance of Poplar Point to District of Columbia

Poplar Point, located on the east side of the Anacostia River, comprises approximately 100 acres of Anacostia Park. It contains the NPS headquarters for National Capital Parks-East and the U.S. Park Police Anacostia Operations and Helicopter facilities. Conveyance of title to the District would permit redevelopment of the property by the District consistent with the Anacostia Waterfront Framework Plan, dated November 2003. The conveyance is subject to a number of terms, including those related to a deed restriction that 70 acres be used for park purposes, the completion of a land-use plan, the setting aside of sites for potential memorials, and the relocation of existing NPS facilities.

Upon completion of the land-use plan, the District is required to transmit to the Secretary a copy of the plan along with all the information necessary for the Secretary to certify the plan. This section requires the Secretary, upon receipt from the District of written acceptance of specified terms and conditions, to convey all right, title and interest in Poplar Point to the District.

Section 302. Requirements for Poplar Point land-use plan

The District will complete a land-use plan for Poplar Point that: (a) identifies a minimum of 70 acres, including wetlands, to be maintained in perpetuity for park purpose; (b) is consistent, where possible, with the Anacostia Waterfront Framework Plan; (c) sets aside at least two sites, within the areas designated for park purposes, for potential memorials; and (d) includes a commitment by the District to convey back those sited to the NPS at the appropriate time, as determined by the Secretary.

The deed conveying Poplar Point must reserve to the United States all right, title, and interest, at no cost, in existing facilities at Poplar Point and all necessary easements for access and utilities. The United States, acting by and through the NPS, is to continue to own, control, and access the existing facilities until the District provides replacement facilities and the NPS has relocated to the replacement facilities. Upon completion of the relocation of the NPS to the replacement facilities, the Secretary must convey to the District, in a separate deed, all right, title, and interest in

the existing facilities and all necessary easements for access that were reserved to the United States.

Section 303. Conveyance of replacement facilities and properties for National Park Service

No construction, other than construction related to the provision of replacement facilities can commence on Poplar Point until the District and the Secretary agree, in writing, on suitable replacement facilities. The agreement must specify the location of the replacement facilities and a timetable by which the District will complete the relocation of the NPS to the replacement facilities.

The District must provide to the Secretary, at no cost, suitable replacement facilities, as determined jointly by the District and the Secretary, and relocate the NPS to those facilities.

The NPS may move any fixtures or equipment from the existing facilities for the use at the replacement facilities.

Section 304. Poplar Point defined

This section defines the boundaries of Poplar Point.

Title IV—General provisions

Section 401. Definitions

This section defines certain terms used in this Act.

Section 402. Limitation on environmental liability

This section provides that, notwithstanding any other provision of law, the United States is not responsible for any environmental liability, response action, remediation, corrective action, damages, costs, or expenses of the property transferred to the District. The District is required to conduct all environmental activity with respect to the property, and bear any and all costs and expenses of any such activity.

Section 403. Limitation on costs

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 included, but are not limited to, costs and expenses associated with zoning, land-use process, transfer taxes, recording taxes or recording fees.

Section 404. Deadline for provision of deeds and related documents

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.

EXPLANATION OF AMENDMENTS

The provisions of the substitute are explained in the descriptive portions of this report.

COMMITTEE CONSIDERATION

On September 29, 2005, the Committee met in open session and ordered reported favorably the bill, H.R. 3699, as amended, by voice vote, a quorum being present.

ROLLCALL VOTES

No rollcall votes were held.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill authorizes the exchange of certain land parcels between the federal government and the District of Columbia.

Legislative branch employees and their families, to the extent that they are otherwise eligible for the benefits provided by this legislation, have equal access to its benefits.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 3699. Article I, Section 8, Clauses 17 and 18 of the Constitution of the United States grant the Congress the power to enact this law.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104–4) requires a statement whether the provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 3699. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements 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 from the Director of Congressional Budget Office:

OCTOBER 12, 2005.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform,
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,

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.

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 development of the proposed baseball stadium in southeast Washington). The District of Columbia would also 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.

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.

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 and 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. TITLE TO STADIUM TO VEST IN UNITED STATES; DATE; CONVEYANCE AND LEASE TO DISTRICT OF COLUMBIA; NON-TRANSFERABILITY; USES OF PROPERTY; REVERSION FOR NONCOMPLIANCE.

(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.

