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106TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
106–590

NATIONAL HEALTH MUSEUM SITE SELECTION ACT

APRIL 13, 2000.—Committee to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

REPORT

[To accompany H.R. 3171]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3171) to direct the Administrator of General Services to convey a parcel of land in the District of Columbia to be used for construction of the National Health Museum, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Health Museum Site Selection Act".

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) EXCESS PROPERTY.—The term "excess real property" has the meaning given such term by section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(3) MUSEUM.—The term "Museum" means the National Health Museum, Incorporated, a District of Columbia nonprofit corporation exempt from Federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(4) PROPERTY.—The term "property" means the excess real property identified under section 3(a)(1).

SEC. 3. CONVEYANCE OF PROPERTY.

(a) AUTHORITY TO CONVEY.—

(1) IDENTIFICATION OF PROPERTY.—Not later than 5 years after the date of enactment of this Act and subject to the written concurrence of the Museum, the Administrator may identify a parcel of excess real property, including any improvements thereon, located in the District of Columbia to be conveyed under paragraph (2).

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(2) CONVEYANCE.—Subject to the requirements of this Act, the Administrator may convey to the Museum all rights, title, and interest of the United States in and to the property identified under paragraph (1).

(3) RELATIONSHIP TO OTHER LAWS.—The authority of the Administrator under this section shall not be subject to—

(A) sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484);

(B) section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411); or

(C) any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this Act.

(b) PURPOSE OF CONVEYANCE.—The purpose of the conveyance shall be to provide a site for the construction and operation of a new building to serve as the National Health Museum, including associated office, educational, conference center, and visitor and community services.

(c) PROHIBITION ON LOBBYING ACTIVITIES.—As a condition of the conveyance, the Museum shall agree that no part of the property will be used, during the 99-year period beginning on the date of conveyance, for activities to attempt to influence the passage or defeat of any legislation by Congress or the legislature of any State.

(d) DATE OF CONVEYANCE.—

(1) NOTIFICATION.—If the Administrator identifies a parcel of property under subsection (a)(1), not later than 120 days after the date of such identification, the Museum shall notify the Administrator in writing of the date on which the Museum will accept conveyance of the property.

(2) DATE.—The date of conveyance shall be not less than 270 days and not more than 1 year after the date of the notice.

(3) EFFECT OF FAILURE TO NOTIFY.—If the Museum fails to provide the notice to the Administrator by the date described in paragraph (1), the property shall not be conveyed under this Act.

(4) MAINTENANCE OF PROPERTY.—The Administrator shall continue to maintain the property until the date of conveyance under this subsection.

(e) QUITCLAIM DEED.—The property shall be conveyed to the Museum vacant and by quitclaim deed.

(f) CONVEYANCE TERMS.—

(1) IN GENERAL.—The conveyance shall be subject to such terms and conditions as the Administrator determines necessary to safeguard the interests of the United States. Such terms and conditions shall be consistent with the terms and conditions set forth in this Act.

(2) PURCHASE PRICE.—

(A) IN GENERAL.—The purchase price for the property shall be the fair market value of the property determined in accordance with uniform standards of appraisal practices based on the highest and best use of the property. The purchase price shall be paid in full to the Administrator on or before the date of conveyance of the property and before occupancy of the property by the Museum.

(B) TIMING; APPRAISERS.—The determination of fair market value shall be made in the 270-day period preceding the date of conveyance of the property. The determination shall be made by a qualified appraiser selected by the Administrator.

(C) REPORT TO CONGRESS.—If the Administrator identifies a parcel of property under subsection (a)(1), Promptly upon the determination of the purchase price, and in any event at least 60 days in advance of the date of conveyance of the property, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying the purchase price, together with a copy of the retention and disposal study conducted by Administrator with respect to the property.

(D) TREATMENT OF AMOUNTS RECEIVED.—Net proceeds from the conveyance shall be deposited into, administered, and expended, subject to appropriations Acts, as part of the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). In this subparagraph, the term "net proceeds from the conveyance" means the proceeds from the conveyance minus the expenses incurred by the Administrator with respect to the conveyance.

(3) SATELLITE MUSEUM.—As a condition of the conveyance, the Administrator shall receive assurances satisfactory to the Administrator that—

(A) the Museum will establish, operate, and maintain a satellite museum on Ellis Island, New Jersey, for the same purposes and subject to the same limitations as the National Health Museum;

(B) such activities will be carried out in consultation with appropriate State and Federal departments and agencies and in conjunction with other redevelopment activities on Ellis Island; and

(C) not later than 4 years after the date of the conveyance, in order to provide for the satellite museum, the Museum—

(i) will commence construction of the satellite museum;

(ii) will commence renovation of a facility of the National Park Service and, upon completion of the renovation, will pay operation and maintenance costs associated with the facility; or

(iii) has entered into an agreement to take occupancy of a facility of the National Park Service that has been renovated by the National Park Service and, upon taking such occupancy, will pay all rents associated with the facility.

(g) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to authorize the conveyance of any right, title, or interest of the United States in or to real property on Ellis Island, New Jersey.

SEC. 4. REVERSIONARY INTEREST IN THE UNITED STATES.

(a) IN GENERAL.—The property, at the option of the Administrator, may revert to the United States if—

(1) during the 3-year period beginning on the date of conveyance of the property, the Museum does not commence construction on the property, other than for a reason not within the control of the Museum;

(2) during the 99-year period beginning on the date of conveyance of the property, the property is used for a purpose not authorized by section 3(b);

(3) during the 99-year period beginning on the date of conveyance of the property, the property is used for a lobbying activity in violation of section 3(c);

(4) during the 4-year period beginning on the date of conveyance of the property, the Museum does not commence construction of, or renovation of existing facilities for, a satellite museum under section 3(f)(3), other than for a reason not within the control of the Museum;

(5) during the 50-year period beginning on the date of conveyance of the property, the satellite museum established under section 3(f)(3) is not operated in accordance with such section, other than for a reason not within the control of the Museum; or

(6) the Museum ceases to be exempt from Federal income taxation as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986.

(b) REPAYMENT.—If the property reverts to the United States, the United States shall repay the Museum the lesser of—

(1) the full purchase price for the property (without interest) less any expenses incurred by the United States with respect to the reversion; or

(2) the market value of the property on the date of the reversion (as determined by a qualified appraiser selected by the Administrator) less any expenses incurred by the United States with respect to the reversion.

(c) ENFORCING REVERSION.—The Administrator shall perform all acts necessary to enforce any reversion of property to the United States under this section.

(d) INVENTORY OF PUBLIC BUILDINGS SERVICE.—Property that reverts to the United States under this section—

(1) shall be under the control of the General Services Administration; and

(2) shall be assigned by the Administrator to the inventory of the Public Buildings Service.

SEC. 5. AUTHORITY OF MUSEUM OVER PROPERTY.

After the date of conveyance of the property under this Act, the Museum may—

(1) demolish or renovate any existing or future improvement on the property;

(2) build, own, operate, and maintain new improvements on the property;

(3) finance and mortgage the property on customary terms and conditions; and

(4) manage the property in furtherance of this Act.

SEC. 6. LAND USE APPROVALS.

(a) EFFECT ON OTHER AUTHORITY.—Nothing in this section may be construed to limit the authority of the National Capital Planning Commission or the Commission of Fine Arts.

(b) COOPERATION CONCERNING ZONING.—

(1) IN GENERAL.—The United States shall cooperate with the Museum with respect to any zoning or other administrative matter relating to—

(A) the development or improvement of the property; or

(B) the demolition of any improvement on the property as of the date of enactment of this Act.

(2) ZONING APPLICATIONS.—Cooperation under paragraph (1) shall include making, joining in, or consenting to any application required to facilitate the zoning of the property.

SEC. 7. ENVIRONMENTAL HAZARDS.

Costs of remediation of any environmental hazards existing on the property before the date of conveyance of the property under this Act, including all asbestos-containing materials, shall be borne by the United States. Environmental remediation shall begin as soon as practicable following identification of the property under section 3(a)(1) and shall be completed before the date of conveyance of the property. The responsibilities of the United States under this section shall terminate on the date of conveyance of the property.

SEC. 8. REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter until the expiration of the 2-year period following the date on which the satellite museum described in section 3(f)(3) opens to the public, the Museum shall submit a report on the status of the National Health Museum to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate.

Amend the title so as to read:

A bill to authorize the Administrator of General Services to convey excess real property in the District of Columbia to be used for construction of the National Health Museum, and for other purposes.

SUMMARY AND PURPOSE

H.R. 3171, the "National Health Museum Site Selection Act," authorizes, for a period not to exceed five years, the Administrator of the General Services Administration to sell, at fair market value, excess real property in the District of Columbia to be used for the construction of the National Health Museum. As a term of conveyance, the National Health Museum will establish, operate and maintain a satellite museum on Ellis Island, New Jersey not later than four years after the date of conveyance.

BACKGROUND AND NEED FOR LEGISLATION

The FY 1998 conference report to accompany the Labor, Health and Human Services, and Education Appropriations Act included under Title VII the National Health Museum Development Act. The conference report specified that a National Health Museum be located on or near the Mall on land owned by the Federal government or the District of Columbia. The conference report established a commission to study the appropriate Federal role in planning and operation of a National Health Museum. The Commission was then to submit a study within one year of its first meeting. However, this language was never considered by authorizing committees of either House or Senate, and as such did not provide full congressional intent with regard to the location of the museum, or any particular policy with regard to the museum.

The Commission, whose intent was to study the Federal government's role in the planning and operation of a National Health Museum, was never created and a report identifying the role of the Federal government was never submitted to Congress.

Nevertheless, the National Health Museum, Inc. was established under Section 501(c)(3) of the Internal Revenue Code as a non-profit corporation located in the District of Columbia, and governed by an independent Board of Trustees whose members serve without compensation. Museum officials estimate that a $133 million capital cost and a $100 million endowment will be needed for the museum and will be raised through a combination of sources including corporations, associations, foundations and the government. The operating budget for this museum is intended to be funded from revenues, fees, memberships, sponsorships and endowment income.

No specific site is identified in the legislation. To assure proper real asset management of the PBS inventory, the bill would only authorize the sale of excess real property. Prior to sale of any excess property, GSA shall issue a Retention and Disposal Study to the Committee of its findings of any excess real property being considered for sale to the Museum. If the GSA performs a Retention and Disposal Study on property and finds the government has a need for it, the property is not eligible for sale under this Act. If the study finds that property is excess to the governments needs, that property is eligible for sale under the terms and conditions of this Act.

The bill provides authority for a period not to exceed five years for the National Health Museum to acquire a site in the District of Columbia from the General Services Administration of any property that is excess to the government, at fair market value. No specific site is identified in the legislation, and prior to sale of the excess property, the General Services Administration shall issue a Retention and Disposal Study to the Committee of its findings of any excess real property being considered for sale to the National Health Museum. As a condition of sale, the National Health Museum shall establish a satellite museum on Ellis Island, New Jersey. This satellite museum shall be located in new space, or renovated space maintained by the National Park Service on Ellis Island and shall be established in conjunction with other redevelopment activities on Ellis Island. There are restrictions on the use of the Museum, and limits as to the purpose of the museum. The bill also contains conditions for reversion and protects the government's interests in the event of non-compliance by the Museum.

DISCUSSION OF COMMITTEE BILL AND SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Provides that the Act may be cited as the "National Health Museum Site Selection Act."

Section 2. Definitions

(1) The term "Administrator" means the Administrator of the General Services Administration.

(2) The term "Excess Real Property" means property that is excess to the needs of the Federal government, but has not been screened for all executive agencies needs, and has not been declared surplus property. (40 U.S.C. 472).

(3) The term "Museum" means the National Health Museum.

(4) The term "Property" means excess real property identified under section 3(a)(1).

Section 3. Conveyance of property

(a) Authority to Convey. The Act includes a sunset provision, which states if an appropriate parcel of excess real property is not identified within five years from the date of enactment the authority expires. The bill authorizes the Administrator to sell excess real property in the government's inventory in the District of Columbia at fair market value to the National Health Museum. For purposes of conveyance, the Administrator is not required to screen the identified excess real property through executive government agencies needs first, and is exempt from other laws governing the disposition of excess real property, other than laws relating to environmental and historic preservation. The Administrator is also exempt from the Stuart B. McKinney Homeless Assistance Act.

(b) Purpose of Conveyance. The intent of this authorization for conveyance of excess real property is to provide at full fair market value at highest and best use a site to construct the National Health Museum in the District of Columbia.

(c) Prohibition on Lobbying Activities. The National Health Museum is prohibited from using the facility to be constructed for any lobbying activities for 99 years after the date of conveyance. Lobbying activities include any activity that is designed to influence Members of Congress or state legislatures, either directly or indirectly, on matters affecting the health industry. Activities include direct solicitation to raise funds for purposes to influence Members; printing or preparing information to be distributed to Members for the purpose of influencing Members; creating phone banks for the purpose of influencing Members; creating radio, television or video presentations for the purpose of influencing Members; leasing space to groups whose purpose is to influence Members; and other like activities. This provision shall not prevent officials of the National Health Museum from communicating to Members of Congress or to Congress at the request of any Member or state legislature, for informational purposes on matters relating to the National Health Museum.

(d) Date of Conveyance. If an appropriate site of excess real property has been identified by the Administrator, the museum will have 120 days to notify the Administrator in writing of the date on which the museum will accept conveyance of an identified property. If the museum fails to notify the Administrator, the property will not be conveyed under this authority. The date of conveyance will not be less than 270 days and not more than 1 year after the date of notice. The property shall be conveyed by quit claim deed. The Administrator will maintain and perform necessary environmental remediation to the property until the date of conveyance, and will not make improvements or add value to the property. The Administrator will determine the terms and conditions of the conveyance appropriate to safeguard the interests of the United States, consistent with the terms in this Act.

The purchase price will be fair market value in accordance with uniform standards of appraisal practices based on the property's highest and best use. The purchase price will be paid in full before

the date of conveyance. Fair market value will be determined in the 270 days proceeding conveyance by a qualified appraiser selected by the Administrator. At least 60 days prior to conveyance the Administrator will provide the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works a report identifying the purchase price, accompanied by the Retention and Disposal Study with regard to the property being conveyed. Net proceeds of the sale will be deposited into the Federal Building Fund. GSA may deduct expenses in connection with the sale.

As a condition of sale, the National Health Museum will establish a satellite museum to be located on Ellis Island not later than four years after the date of conveyance of the property in Washington, DC. The satellite facility, at a minimum must be under construction or have agreement documents in place in the four-year time period. The operation of the satellite museum is not expected to commence until construction or renovation is completed, and the museum has the opportunity to install the infrastructure for exhibits, and the exhibits themselves. The bill is intended to have the satellite museum open to the public in a time period consistent with reuse plans for Ellis Island developed by the National Parks Service and the New Jersey Governor's Advisory Committee on the Preservation and Use of Ellis Island. The satellite museum will be established in consultation with Federal and State planning, and in compliance with the National Park Service plans and the New Jersey Governor's Advisory Committee on the Preservation and Use of Ellis Island. The satellite museum shall include an approximate square footage ranging from 5,000 square feet up to 10,000 square feet, or in other such facilities to provide for a comprehensive satellite facility. If space in addition to 10,000 square feet is available, the National Health Museum will have the option to make a determination as to its ability to maintain a satellite facility consisting of space in addition to 10,000 square feet, and work with appropriate agencies to make necessary arrangements to occupy the additional space. A report of arrangements made for the satellite facility, and scope of the satellite facility shall be transmitted to the Member of Congress representing the 13th Congressional District of New Jersey in the House of Representatives, or the Member representing Ellis Island, in addition to the House Committee on Transportation and Infrastructure, the Subcommittee of jurisdiction and the Senate Committee on Environment and Public Works, from the National Parks Service, Governor's Advisory Committee on the Preservation and Use of Ellis Island or the National Health Museum.

The bill provides three options for the National Health Museum to establish the satellite museum. The National Health Museum may construct a facility on the south side of Ellis Island; may renovate an existing building and will only pay operating and maintenance cost; or in the event that an arrangement is worked out that the National Park Service or some other entity renovates the facility to be used as a satellite museum, the National Health Museum will pay all rents associated with the facility, including operating costs. The National Health Museum will not be responsible for the

complete restoration and renovation of an existing historic building on the south side of Ellis Island for any other purpose.

(h) Statutory Construction. The National Health Museum is not authorized to take ownership of any building, facility or land of the United States on Ellis Island, New Jersey.

Section 4. Reversionary interest in the United States

(a) The property conveyed to the National Health Museum will revert back to the United States if construction in Washington, DC does not commence within a three year period after the date of conveyance, if the property is used for lobbying purposes within a 99 year period after the date of conveyance, if the property is used for anything other than a health museum in accordance with the legislation for the next 99 years, if during the four year period after the date of conveyance the museum does not commence construction, or renovation of a satellite museum on Ellis Island, New Jersey, or if the National Health Museum ceases to be a 501(c)(3) organization.

(b) Repayment. If the property conveyed in Washington, DC reverts back to the United States, the United States will pay the National Health Museum full purchase price of the property less interest and expenses for the conveyance, or appraised market value, less expenses.

(c) Enforcing Reversion. The Administrator is responsible for enforcing any reversion of the property.

(d) Inventory of Public Buildings Service. Any property that reverts back to the Administrator will be assigned to the Public Buildings Service.

Section 5. Authority of museum over property

(a) After the conveyance of the property the museum may demolish, renovate, improve, build, own, operate and manage the property in a way that provides for the establishment of the National Health Museum, under the terms and conditions authorized in this Act.

Section 6. Land use approvals

(a) The National Health Museum must obtain necessary approvals from the National Capital Planning Commission and the Commission of Fine Arts for any facility to be built on the site in Washington.

(b) The United States will cooperate with the National Health Museum with respect to any necessary zoning application or administrative function.

Section 7. Environmental hazards

The United States will pay for costs of any environmental remediation to the property before the date of conveyance. The United States is not responsible for any other land or property improvements before the conveyance. The responsibilities of the United States will terminate on the date of conveyance.

Section 8. Reports

The museum will submit an annual report to the House Committee on Transportation and Infrastructure, the Senate Committee on Environment and Public Works and the Administrator not more than one year after the date of enactment and will continue to submit an annual report until two years after the satellite museum has been open to the public.

HEARINGS

On July 21, 1999, the Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation held a hearing on proposals for a National Health Museum. Testimony was given by Representative Menendez (NJ), Representative Horn (CA), Dr. C. Everett Koop, a General Services Administration official and a representative from the Governor's Advisory Committee on the Preservation and Use of Ellis Island, New Jersey.

COMMITTEE CONSIDERATION

On March 22, 2000 the Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation marked up H.R. 3171. The Subcommittee adopted an amendment in the nature of a substitute. This amendment provides authority for a period not to exceed five years for the National Health Museum to acquire a site in the District of Columbia from the General Services Administration of any property that is excess to the government, at full fair market value. As a condition of sale the health museum must begin to construct, renovate, or establish a satellite health museum on Ellis Island within four years from the date of conveyance of the property in Washington, DC. Reversionary provisions protect the government if the National Health Museum is in violation of the terms and conditions in the bill. Other provisions include conformance to zoning, National Capital Planning Commission and the Commission on Fine Arts approvals. Prior to the conveyance, the General Services Administration will be responsible for environmental cleanup of the Washington, DC site, notifying the Committee of the purchase price and submitting the retention and disposal study for the site to be conveyed. The General Services Administration will retain the net proceeds from the sale.

On March 22, 2000 the Subcommittee reported H.R. 3171, as amended, favorably to the Full Committee by unanimous voice vote. On March 23, 2000, the Full Committee met in open session and reported the bill, as amended by the Subcommittee, by unanimous voice vote.

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 rollcall 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 connection with ordering H.R. 3171, as amended, reported.

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(d)(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 Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3171, 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. 3171, as amended, from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 4, 2000.

Hon. BUD SHUSTER,
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. 3171, the National Health Museum Site Selection Act.

If you wish further details on these estimates, we will be pleased to provide them. The CBO staff contacts are John R. Righter (for federal costs), Susan Sieg Tompkins (for state and local impact), and John Harris (for the private-sector impact).

Sincerely,

STEVEN LIEBERMAN
(For Dan L. Crippen, Director).

Enclosures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 3171—National Health Museum Site Selection Act

H.R. 3171 would permit the General Services Administration (GSA) to sell a parcel of excess real property in the District of Columbia within five years of the bill's enactment to the National

Health Museum, Incorporated. CBO estimates that enacting H.R. 3171 is unlikely to have a significant impact on the federal budget. Because the bill could increase offsetting receipts (a form of direct spending) from the sale of federal real property, pay-as-you-go procedures would apply; but we think it is unlikely that there would be a significant change in such receipts under H.R. 3171.

H.R. 3171 would require that the National Health Museum pay fair market value to acquire the property in Washington, D.C., as well as establish a satellite museum on Ellis Island, New Jersey. The corporation either could construct a new facility on Ellis Island or use an existing National Park Service (NPS) facility. The corporation would be responsible for the costs associated with operating and maintaining the satellite museum. Under the bill, property sold to the National Health Museum would revert to the federal government if the corporation either uses it for an unauthorized purpose or fails to commence work on the satellite museum. In addition, H.R. 3171 would direct that GSA deposit into the Federal Buildings Fund any proceeds from the sale of property. Spending of such sums, however, would be subject to annual appropriation.

If a suitable piece of property becomes available in the District of Columbia within five years of the bill's enactment, H.R. 3171 could increase offsetting receipts from the sale of federal real property. However, we expect that GSA would probably sell any such property under current law. In addition, based on information from the NPS, CBO estimates that, if the National Health Museum establishes a satellite museum on Ellis Island, the annual impact on the federal budget would be minor. Any rental payments provided to the NPS could be spent without further appropriation action.

The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on the budgets of state, local, or tribal governments. The District of Columbia could benefit under this bill because public land currently exempt from property tax would become taxable after the transfer. The outcome would depend on whether the District of Columbia grants the new owner a tax exemption based on the proposed use of the property.

H.R. 3171 would create a new private-sector mandate by requiring the National Health Museum, a nonprofit corporation, to make annual reports to the GSA and two Congressional committees. CBO estimates that the cost of this mandate would be well below the threshold established in UMRA ($109 million in 2000, adjusted annually for inflation).

The CBO staff contacts for this estimate are John R. Righter (for federal costs), Susan Sieg Tompkins (for the state and local impact), and John Harris (for the private-sector impact). 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.)

ADVISORY COMMITTEE STATEMENT

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

COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, April 6, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure,
Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for contacting me regarding H.R. 3171, the National Health Museum Site Selection Act, authorized by our colleague Congressman Bob Franks of New Jersey. Section 3(f)(3) requires the Museum to establish a satellite museum on Ellis Island, New Jersey, and renovate and/or use existing National Park Services facilities on that Island.

After reviewing the language of Section 3 and consulting with Chairman James Hansen of the Subcommittee on National Parks and Public Lands, I have no objection to its inclusion in H.R. 3171 and will not seek a sequential referral of the bill. However, this action should not be construed to waive the Committee on Resources' jurisdiction over this provision, or similar matters, and it should not serve as precedent for future referrals. From the draft bill report, I understand the Museum will prepare a report on the satellite facility, and I expect that the Committee on Resources will receive a copy of this report. In addition, I ask that if a conference on the bill becomes necessary, that the Committee on Resources be represented on that conference. Finally, I ask that you include this letter and your response in the report on the bill or in the Congressional Record during consideration of the matter.

Thank you again for this opportunity to help expedite consideration of a bill, and I look forward seeing it scheduled on the House Floor soon.

Sincerely,

DON YOUNG, *Chairman.*

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter with regard to H.R. 3171, the "National Health Museum Site Selection Act of 2000." While H.R. 3171 primarily contains provisions related to matters solely in the jurisdiction of the Committee on Transportation and Infrastructure. I recognize that Section 3(f)(3) of the bill, which establishes a satellite museum on Ellis Island, New Jersey, and renovates and/or uses existing National Park Services facilities on that island, affects the jurisdiction of the Committee on Resources.

I agree that allowing this bill to go forward in no way impairs upon your jurisdiction over these provisions, and I would be pleased to place our letters in the report on this bill. In addition, if a conference is necessary on this bill, I would support any request to have the Committee on Resources be represented on the conference with respect to the matters in question.

I appreciate your cooperation in helping this bill move forward expeditiously. I look forward to passing this bill on the Floor soon and thank you for your assistance.

Sincerely,

BUD SHUSTER, *Chairman.*

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2000.

Hon. DAN BURTON,
Chairman, Committee on Government Reform,
Washington, DC.

DEAR MR. CHAIRMAN: In the near future, the House will consider H.R. 3171, the "National Health Museum Site Selection Act of 2000." While H.R. 3171 primarily contains provisions related to matters in the jurisdiction of the Committee on Transportation and Infrastructure, I recognize that certain provisions of Section 3 of the bill regarding the treatment of excess property matters affect the jurisdiction of the Committee on Government Reform.

I agree that allowing this bill to go forward in no way impairs upon your jurisdiction over these provisions, and I would be pleased to place this letter and any response you may have in the Report on this bill. In addition, if a conference is necessary on this bill, I would support your request to have the Committee on Government Reform be represented on the conference with respect to the matters in question.

I look forward to passing this bill on the Floor soon and thank you for your assistance.

Sincerely,

BUD SHUSTER, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, April 13, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3171, the "National Health Museum Site Selection Act of 2000." As you know, this bill contains certain provisions related to matters in the jurisdiction of the Committee on Government Reform. Specifically, Section 3 of the bill waives current law regarding the treatment of Federal property, which is under the Government Reform Committee's jurisdiction.

In the interest of expediting Floor consideration of the bill, the Committee will not exercise its jurisdiction over H.R. 3171. This action should not, however, be construed as waiving the Committee's jurisdiction over future legislation of a similar nature.

Thank you for your cooperation on this matter.

Sincerely,

DAN BURTON, *Chairman.*

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