AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

112TH CONGRESS
2d Session

SENATE

REPORT
112–133

A BILL TO AUTHORIZE THE SECRETARY OF COMMERCE TO CONVEY PROPERTY OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO THE CITY OF PASCAGOULA, MISSISSIPPI, AND FOR OTHER PURPOSES

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 363

JANUARY 26, 2012.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
19–010 WASHINGTON : 2012

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

JOHN D. ROCKEFELLER IV, West Virginia, *Chairman*

DANIEL K. INOUYE, Hawaii
JOHN F. KERRY, Massachusetts
BARBARA BOXER, California
BILL NELSON, Florida
MARIA CANTWELL, Washington
FRANK R. LAUTENBERG, New Jersey
MARK PRYOR, Arkansas
CLAIRE MCCASKILL, Missouri
AMY KLOBUCHAR, Minnesota
TOM UDALL, New Mexico
MARK WARNER, Virginia
MARK BEGICH, Alaska

KAY BAILEY HUTCHISON, Texas
OLYMPIA J. SNOWE, Maine
JIM DEMINT, South Carolina
JOHN THUNE, South Dakota
ROGER F. WICKER, Mississippi
JOHNNY ISAKSON, Georgia
ROY BLUNT, Missouri
JOHN BOOZMAN, Arkansas
PATRICK J. TOOMEY, Pennsylvania
MARCO RUBIO, Florida
KELLY AYOTTE, New Hampshire
DEAN HELLER, Nevada

ELLEN DONESKI, *Staff Director*
JAMES REID, *Deputy Staff Director*
TODD BERTOSON, *Republican Staff Director*
JARROD THOMPSON *Republican Deputy Staff Director*
REBECCA SEIDEL, *Republican General Counsel*

112TH CONGRESS
2d Session

SENATE

REPORT
112–133

A BILL TO AUTHORIZE THE SECRETARY OF COMMERCE TO CONVEY PROPERTY OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO THE CITY OF PASCAGOULA, MISSISSIPPI, AND FOR OTHER PURPOSES

JANUARY 26, 2012.—Ordered to be printed

Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 363]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 363) to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration (NOAA) to the City of Pascagoula, Mississippi, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 363, a Bill to Authorize the Secretary of Commerce to Convey Property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for Other Purposes, is to authorize the Secretary of Commerce to convey property currently under the jurisdiction of NOAA to the city of Pascagoula, Mississippi (the City).

BACKGROUND AND NEEDS

NOAA's National Marine Fisheries Service (NMFS) Pascagoula office houses 139 personnel involved in a variety of fisheries-related work, including surveying fish stocks in the Southeast region, conducting marine mammal surveys, leading sea turtle stranding response in Mississippi, studying fishing gear technologies to reduce bycatch, and ensuring safety of domestic and imported fishery products. NOAA currently has an agreement with the City to use an adjacent parcel of land owned by the City for storage and park-

ing. However, another nearby parcel of land is owned by the U.S. Government, and was previously used by NMFS for storage and for temporary office trailers during the reconstruction of the facilities following Hurricane Katrina.

NOAA proposes to transfer real estate that it no longer uses to the City. The City would use the parcel to secure safe public access to the Pascagoula River and to expand the City's continuous property holdings. The City wants to develop waterfront property for the purpose of creating a public green space as part of the City's overall redevelopment plan in the wake of Hurricane Katrina. NOAA desires to secure from the City a parcel adjacent to its facility in order to accommodate more parking, storage, and future expansion of the Pascagoula office. Both parcels proposed for transfer are approximately 35,059 square feet.

SUMMARY OF PROVISIONS

S. 363 would authorize the Secretary of Commerce to convey property currently under the jurisdiction of NOAA to the city of Pascagoula, Mississippi, provided that the United States receives consideration of at least the fair market value of the property or rights conveyed. The bill specifies acceptable forms of property, cash, and in-kind consideration.

LEGISLATIVE HISTORY

S. 363 was introduced by Senator Wicker on February 16, 2011, and is co-sponsored by Senator Cochran. At its Executive Session on May 5, 2011, the Committee voted to report the legislation favorably without amendment.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 363—A bill to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the city of Pascagoula, Mississippi, and for other purposes

S. 363 would authorize the Secretary of Commerce to convey less than 1 acre of land administered by the National Oceanic and Atmospheric Administration (NOAA) to the city of Pascagoula, Mississippi. The bill would require the city to provide consideration to the federal government in the form of land, cash, or services in an amount equal to the fair market value of the federal land that would be conveyed. Based on information provided by NOAA, CBO expects that the city would convey land to the federal government as the primary form of consideration.

CBO estimates that implementing S. 363 would have no significant impact on the federal budget. Enacting the legislation could increase offsetting receipts (a credit against direct spending) if the city of Pascagoula provided cash in exchange for the federal land; therefore, pay-as-you-go procedures apply. However, CBO estimates

that any such impact would be negligible. Implementing S. 363 would not affect revenues.

S. 363 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Enacting this bill would benefit Pascagoula; any costs to the city would be incurred voluntarily.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 363 would allow the conveyance of a certain parcel of land under the administrative jurisdiction of NOAA to the city of Pascagoula, Mississippi. The conveyance of this property to the City is anticipated to result in the creation of a public green space and in increased public access to the Pascagoula River, affecting those individuals who will utilize this area in the future.

ECONOMIC IMPACT

The bill allows for the transfer of property between the Federal Government and the city of Pascagoula, Mississippi, and does not require any authorization of funds.

PRIVACY

The reported bill would not have any adverse impact on the personal privacy of individuals.

PAPERWORK

The Committee does not anticipate a major increase in paperwork burdens resulting from the passage of this legislation.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Exchange of National Oceanic and Atmospheric Administration property in Pascagoula, Mississippi

This section would authorize the Secretary of Commerce to convey a certain area of land under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere to the city of Pascagoula, Mississippi. This section would also require the Secretary of Commerce to ensure that the United States receives consideration for the conveyance at a level not less than the fair market value of the property. Additionally, this section would allow the

Secretary of Commerce to grant or convey a right of way or easement to the city.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

○