

The question was taken.

Mr. CUMMINGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2675, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDING FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 TO AUTHORIZE TRANSFER TO STATE AND LOCAL GOVERNMENTS OF CERTAIN SURPLUS PROPERTY FOR USE FOR LAW ENFORCEMENT OR PUBLIC SAFETY PURPOSES

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 404) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property for use for law enforcement or public safety purposes, as amended.

The Clerk read as follows:

H.R. 404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO TRANSFER CERTAIN SURPLUS PROPERTY FOR USE FOR LAW ENFORCEMENT OR FIRE AND RESCUE PURPOSES.

Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting "that is" after "personal property"; and

(2) by inserting " , or that is or was part of a military installation that has been closed or realigned pursuant to a base closure law and that is determined by the Attorney General to be needed for use by the transferee or grantee for a law enforcement or fire and rescue purpose approved by the Attorney General" before the first period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentleman from Maryland [Mr. CUMMINGS] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, the Federal Government owns an enormous amount of property, including some property that it no longer needs. H.R. 404 simplifies the process by which State and local

governments are permitted to receive surplus Federal property on military bases for the benefit of their law enforcement and fire and rescue functions.

In making this simplification, H.R. 404, authored by the gentleman from California [Mr. CALVERT], both contributes to important State and local government functions and eases an administrative burden on the Federal Government. In 1949, the Commission on Organization of the Executive Branch of the Government, known as the first Hoover commission, appointed by President Truman, recommended the creation of an agency, the General Services Administration, GSA, to coordinate purchases, utilization and disposal of real and personal property for the Federal Government.

The Federal Property and Administrative Services Act of 1949 set forth the rules for the disposal of surplus Federal real estate. Normally, when one agency no longer needs property, the General Services Administration screens the excess property to determine whether another Federal agency needs it. If not, the property is declared surplus.

The Federal Property Act created a series of public benefit discounts whereby local governments can obtain surplus Federal real estate for a price below market value, generally at no cost. The current categories of public benefit discounts for real property include public health, education, recreation, national service activities, historic monuments, correctional facilities, and shipping ports, only in the base closure facilities.

The bill before us creates a new public benefit discount by expanding the definition of public benefit discounts for "correctional facilities" to cover "other law enforcement" and "fire and rescue" activities.

On June 3, 1997, the Subcommittee on Government Management, Information and Technology, which I chair, held a hearing on H.R. 404. Officials from Riverside County, CA, testified that they wanted to place a coroner's office and a law enforcement and fire training academy on surplus Federal property at the March Air Force Base. That surplus property became available through the actions of the Defense Base Realignment and Closure Commission.

The county officials observed that to receive the land for these purposes, they would have to go through the application process with two Federal agencies, the Department of Education for the training academy and the Department of Health and Human Services for the coroner's office. With H.R. 404, the process would be consolidated. Both functions would fall under the expanded definition of correctional facilities and, therefore, would be handled by the Department of Justice.

On June 26, 1997, the Subcommittee on Government Management, Information and Technology marked up H.R.

404. The subcommittee considered an amendment in the nature of a substitute that made technical corrections to the bill as introduced and voted unanimously to forward the substitute version to the full Committee on Government Reform and Oversight.

The full committee voted unanimously to report H.R. 404 to the House on September 30. There was a minor amendment made to the bill after it was reported to the Committee on Government Reform and Oversight. This amendment limits the application of this authority to military facilities closed under the Base Realignment and Closure Act. The change was necessary in order to ensure that no Budget Act point of order lay against the bill.

The amendment will not substantially alter the effect of the bill because closed military bases constitute over 90 percent of surplus Federal real property.

In conclusion, Mr. Speaker, we should note that this bill is a step toward making the Federal Government more efficient in its own processes and also more responsive to local needs. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from California [Mr. HORN] for bringing before the House this bill to amend the Federal Property and Administrative Services Act of 1949. The gentlewoman from New York [Mrs. MALONEY], the ranking Democrat on the Subcommittee on Government Management, Information and Technology, has been detained in her district and asked me to manage this bill, which I gladly do.

The Committee on Government Reform and Oversight has jurisdiction over the Federal Property Act. It has a long history of overseeing its proper implementation. Under the Federal Property Act, State and local governments may acquire real estate that the Federal Government no longer needs. The Federal Property Act currently allows such surplus Federal property to be transferred to State and local governments at discounts of up to 100 percent of fair market value for certain public benefit purposes.

Current public benefit discount uses include public health or educational uses, public parks or recreational areas, historic monuments, correctional institutions, port facilities, public airports and wildlife conservation.

The original version of H.R. 404 would have added to that list "law enforcement or public safety purposes." Legitimate concern was expressed at our hearing on this legislation over the vagueness of the phrase "public safety purposes." During our committee's consideration of the bill, this problem was corrected by submitting "fire fighting and rescue purposes" for "public safety purposes." We also deleted an unnecessary retroactive provision. I support both of these changes.

The manager's amendment to H.R. 404 before us today also restricts the use of this new public benefit discount to property that was originally part of a military installation which has been closed or realigned under a base closure statute. This was done because of budgetary concerns with the bill as it passed committee.

I support H.R. 404, as amended. Law enforcement and fire and rescue purposes are legitimate reasons for State and local governments to acquire surplus Federal property at a discount. I also want to thank the majority for working with the minority to come up with a very, very good bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HORN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Speaker, I thank the gentleman from Long Beach, CA [Mr. HORN], my good friend and neighbor.

Mr. Speaker, I rise to ask my colleagues to support H.R. 404. We all know that the cost of crime prevented and a person diverted from a life of crime is much less than that of a prison cell. One of the keys to crime deterrence is a well-trained police force.

Due to the efforts of the Riverside Sheriff's Department in my district to do the right thing and emphasize police training over prison space, I discovered a Federal catch-22 that I believe we should quickly correct. When the Federal Government declares real property as surplus, various local entities may apply for the property at a no-cost basis if they use the property for some valid social purpose.

To obtain the excess Federal property, the local entity must apply to a Federal agency to sponsor the no-cost transfer. As would seem logical, agencies usually sponsor transfers in keeping with their charges. The Department of Education sponsors educational facilities. Housing and Urban Development sponsors housing. And Department of Justice sponsors prisons. Therein lies the problem.

Incredibly, the Department of Justice is prohibited by statute to sponsor law enforcement and/or fire and rescue training facilities. They can only sponsor the building of prisons. H.R. 404, as amended, would correct this quirk in the law and allow the Department of Justice to apply its considerable expertise to sponsor its excess property for training of law enforcement, fire and rescue officials.

Mr. Speaker, I would like to take a minute to thank the 60 cosponsors of this measure. I especially wanted to thank the gentleman from California [Mr. HORN] for his hard work and leadership in crafting this legislation and passing the measure out of committee. I wish to thank the gentlewoman from New York [Mrs. MALONEY] for her support. And I would also like to express my gratitude to the gentleman from California [Mr. BONO], who also shares

the area of March Air Force Base and testified on the bill's behalf during subcommittee hearings. Finally, I wish to thank the gentleman from California [Mr. BROWN], the gentleman from California [Mr. LEWIS], the gentleman from Illinois [Mr. DAVIS] and the gentleman from California [Mr. FAZIO] for their strong support.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I just want to thank the gentleman from California [Mr. HORN] and I want to thank the gentleman from California [Mr. CALVERT] for their cooperation in bringing this very important piece of legislation before us. Once again, I think it is a very important piece of legislation in that it serves a very important public purpose, and the bipartisanship that was displayed in bringing this together is very, very important.

Mr. Speaker, we have no other requests for time. Therefore, I yield back the balance of my time.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no other witnesses. And I would simply say this in wrapping this up: We have had excellent cooperation from the Democratic staff and the Democratic Members, such as the gentleman from Maryland [Mr. CUMMINGS] today. The gentlewoman from New York [Mrs. MALONEY] has always been helpful on this, as well as many other bills.

So I would like to thank the Democratic staff, Mark Stephenson; the Democratic staff emeritus, Miles Romney, who we all look to for guidance and institutional memory over about 25 to 35 years; and the staff of the gentleman from California [Mr. CALVERT], Nelson Garcia, has been very helpful; and, of course, our own majority Republican staff Mark Brasher and the staff, who is the professional staff member assigned to surplus property, among many other duties, and Staff Director Russell George.

I would simply say this in summing up: I hope that the leadership of the General Services Administration, the Department of Justice—and anybody else that is involved as a result of this statute going on the books—will write those regulations as rapidly as possible. This surplus land has waited long enough for the obvious. And this is another move by Congress on a bipartisan basis to assure flexibility within the executive branch to meet the needs of people throughout America when they have base closure land and they want to put certain types of correctional law enforcement training facilities on that land and a coroner's office and laboratories, as it is in this case.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 404, as amended.

The question was taken.

Mr. CUMMINGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CARSON AND SANTA FE NATIONAL FORESTS LAND CONVEYANCES

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 434) to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, NM to the village of El Rito and the town of Jemez Springs, NM as amended.

The Clerk read as follows:

H.R. 434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, CARSON NATIONAL FOREST, NEW MEXICO.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey through sale or exchange to the County of Rio Arriba for the benefit of the village of El Rito, New Mexico (in this section referred to as "El Rito"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 5 acres located in the Carson National Forest in the State of New Mexico.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Forest Service.

(c) LANDS ACQUIRED IN EXCHANGE FROM RIO ARRIBA COUNTY.—Except as provided in this Act, any exchange of lands under subsection (a) shall be processed in accordance with the rules of the Secretary of Agriculture setting forth the procedures for conducting exchanges of National Forest System lands (36 CFR part 254). Any lands to be conveyed to the United States in such an exchange shall be acceptable to the Secretary and shall be subject to such valid existing rights or record as may be acceptable to the Secretary. Title to such land shall conform with the title approval standards applicable to Federal land acquisitions.

(d) VALUATION AND APPRAISALS.—Values of any lands exchanged pursuant to subsection (a) shall be equal as determined by the Secretary. If, due to size, location, or use of lands exchanged under subsection (a), the values are not exactly equal, they shall be equalized by the payment of cash. The Secretary may accept cash equalization payments in excess of 25 per centum of the total value of the Federal lands exchanged. Value of any lands sold to the County of Rio Arriba shall be on the basis of fair market value as determined by the Secretary.

(e) DISPOSITION OF FUNDS.—Payments from a sale under subsection (a) or cash equalization payments may be made in equal installments for a period not to exceed 10 years. Any funds received by the Secretary through the sale or by cash equalization shall be deposited into the fund established by the Act of December 4, 1967 (16 U.S.C. 484a), known as the Sisk Act, and shall be