

AUTHORITY OF GSA TO MAKE REPAIRS AND LEASE
SPACE IN RESPONSE TO DAMAGES ATTRIBUTABLE TO
HURRICANE KATRINA OR HURRICANE RITA

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JUNE 27, 2006.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. YOUNG of Alaska, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 4125]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4125) to permit the Administrator of General Services to make repairs and lease space without approval of a prospectus if the repair or lease is required as a result of damages to buildings or property attributable to Hurricane Katrina or Hurricane Rita, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 4125 is to allow the General Services Administration (GSA) to conduct certain activities without approval of a prospectus if such activities are required as a result of damages to buildings or property attributable to Hurricanes Katrina or Rita.

BACKGROUND AND NEED FOR THE LEGISLATION

Wind, rain, and flooding caused by Hurricane Katrina and Hurricane Rita damaged dozens of federal facilities across the Gulf region. Damage in some of these facilities is minor, requiring simple clean-up, while other facilities in low lying areas were completely destroyed or require major renovation. Title 40 United States Code restricts GSA to short term emergency leases up to six months and contains no authority for emergency alteration projects that exceed the current prospectus threshold of \$2.41 million.

SUMMARY OF THE LEGISLATION

Section 1. This section waives the prospectus submission requirement in 3307(a) of the Public Buildings Act (40 U.S.C. 3307(a)) for the repair of a public building, repair of any building or part of a building under lease by the federal government, and the leasing of space for use for a public purpose, if the lease or repair is required as a result of damage caused by Hurricanes Katrina or Rita. Leases carried out under this authority may not exceed a five-year term.

For repairs, reports must be submitted five days prior to entering into repair agreements and contain the description of the building, description of the repair, estimate of the repair and estimate of the date of completion. Final reports on repairs must be submitted within 15 days of the completion of the repair and include a detailed description of the completed work and total cost. Reports for leases must be submitted not later than 10 days after entering into the lease agreement, and include information on the location of the leased space, square footage, cost of lease, and use of the space.

All reports must be submitted by GSA to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Section 2. This section terminates the authority provided to the Administrator of GSA one year after the date of enactment of H.R. 4125.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

H.R. 4125 was introduced by Representative Bill Shuster, Delegate Eleanor Holmes Norton, and Representative Charles Boustany on October 25, 2005, and was referred to the Committee on Transportation and Infrastructure.

On October 26, 2005, the Committee on Transportation and Infrastructure met in open session and considered H.R. 4125. A motion by Mr. Shuster to order H.R. 4125 favorably reported to the House was agreed to unanimously, by voice vote with a quorum present. There were no recorded votes taken during consideration of H.R. 4125.

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 conjunction with ordering H.R. 4125 favorably reported to the House.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

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

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

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. 4125, as amended, from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 14, 2005.

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4125, a bill to permit the Administrator of General Services to make repairs and lease space without approval of a prospectus if the repair or lease is required as a result of damages to buildings or property attributable to Hurricane Katrina or Hurricane Rita.

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

Sincerely,

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

Enclosure.

H.R. 4125—A bill to permit the Administrator of General Services to make repairs and lease space without approval of a prospectus if the repair or lease is required as a result of damages to buildings or property attributable to Hurricane Katrina or Hurricane Rita

CBO estimates that implementing H.R. 4125 would have no significant impact on the federal budget. Enacting the bill would not affect direct spending or revenues. H.R. 4125 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Under current law, the General Services Administration (GSA) is responsible for repairing federal buildings it manages and leasing

privately owned properties for use by federal agencies. Spending for such activities is subject to appropriation. Except in emergency situations, repairs or leases that are estimated to cost more than \$2.41 million require prior approval by the Congressional committees with jurisdiction over GSA.

H.R. 4125 would authorize GSA to proceed, without prior approval by those committees, with any repairs or lease negotiations necessitated by Hurricanes Katrina or Rita. Under H.R. 4125, GSA might complete activities with estimated costs greater than \$2.41 million sooner than under current law. Based on information from GSA, however, CBO estimates that the proposed procedural change would not significantly affect the rate at which GSA will spend existing resources. CBO also estimates that the bill would not have a significant impact on new funding for repairs or leases related to the hurricanes. (Any such funding would be subject to appropriation.)

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

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

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local or tribal law. The Committee states that H.R. 4125 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

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

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104-1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED
H.R. 4125 makes no changes to existing law.

