

Calendar No. 414

112TH CONGRESS }
2d Session }

SENATE

{ REPORT
112-171 }

FORMER CHARLESTON NAVAL BASE LAND
EXCHANGE ACT OF 2012

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2061

TO PROVIDE FOR AN EXCHANGE OF LAND BETWEEN THE DE-
PARTMENT OF HOMELAND SECURITY AND THE SOUTH CARO-
LINA STATE PORTS AUTHORITY



MAY 24, 2012.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

19-010

WASHINGTON : 2012

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

JOSEPH I. LIEBERMAN, Connecticut, *Chairman*

CARL LEVIN, Michigan

DANIEL K. AKAKA, Hawaii

THOMAS R. CARPER, Delaware

MARK L. PRYOR, Arkansas

MARY L. LANDRIEU, Louisiana

CLAIRE McCASKILL, Missouri

JON TESTER, Montana

MARK BEGICH, Alaska

SUSAN M. COLLINS, Maine

TOM COBURN, Oklahoma

SCOTT P. BROWN, Massachusetts

JOHN McCAIN, Arizona

RON JOHNSON, Wisconsin

ROB PORTMAN, Ohio

RAND PAUL, Kentucky

JERRY MORAN, Kansas

MICHAEL L. ALEXANDER, *Staff Director*

BETH M. GROSSMAN, *Deputy Staff Director and Chief Counsel*

KRISTINE V. LAM, *Professional Staff Member*

NICHOLAS A. ROSSI, *Minority Staff Director*

MARK B. LEDUC, *Minority General Counsel*

CHRISTOPHER R. MACDONALD, *Minority Professional Staff Member*

TRINA DRIESSNACK TYRER, *Chief Clerk*

Calendar No. 414

112TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 112-171

FORMER CHARLESTON NAVAL BASE LAND EXCHANGE
ACT OF 2012

MAY 24, 2012.—Ordered to be printed

Mr. LIEBERMAN, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

REPORT

[To accompany S. 2061]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2061) to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

CONTENTS

	Page
I. Purpose and Summary	1
II. Background and Need for the Legislation	2
III. Legislative History	2
IV. Section-by-Section Analysis	2
V. Estimated Cost of Legislation	3
VI. Evaluation of Regulatory Impact	4
VII. Changes in Existing Law Made by the Bill, as Reported	4

I. PURPOSE AND SUMMARY

S. 2061 authorizes the Secretary of Homeland Security to convey a parcel of Federal land in North Charleston, South Carolina to the South Carolina State Ports Authority (SCSPA) in exchange for specified parcels of land owned by the SCSPA. The bill also requires that upon acceptance of the title to the non-Federal land, the land is to be added to and administered as part of the Federal Law Enforcement Training Center (FLETC), an entity within the Department of Homeland Security (DHS).

II. BACKGROUND AND NEED FOR LEGISLATION

The Department of Homeland Security currently has administrative jurisdiction over an approximately 10.5 acre parcel of federal land in North Charleston, South Carolina. The land lies adjacent to a busy port facility owned and operated by the State of South Carolina through the SCSPA. A U.S. Naval Base Complex formerly occupied the land, but the parcel now sits vacant except for the remains of a small building. The Federal government has no plans to use the land in the future. The SCSPA wishes to acquire this land to construct a road system connecting traffic from a new off-ramp that will be constructed to move traffic more efficiently from Interstate 26 onto the port facility.

DHS currently has a 50-year lease with the SCSPA for a separate parcel of the SCSPA-owned land in Charleston, South Carolina. FLETC uses that land to house a training facility. This parcel of land is within a secure Federal enclave that includes facilities under the administrative control of the National Oceanic and Atmospheric Administration, the Department of State, and the U.S. Coast Guard. The SCSPA and FLETC have been exploring the possibility of a transfer of land to meet the needs of both parties. After a legal review it was determined that although FLETC has legal authority to acquire property and to construct facilities, it does not have legal authority to encumber or transfer property under its administrative control. Additionally, DHS does not have the authority to transfer or exchange property under its control. This bill would give the legislative authority necessary to complete the desired transfers of property.

III. LEGISLATIVE HISTORY

S. 2061 was introduced on February 1, 2012, by Senator Graham, and the bill was referred to the Committee on Homeland Security and Governmental Affairs. The Committee considered the legislation at its business meeting on April 25, 2012. S. 2061 was ordered reported favorably by voice vote with an amendment by Chairman Lieberman, which the Committee also approved by voice vote. The amendment clarifies the coordinates of the Federal land that is authorized to be exchanged to the SCSPA and makes corrections to the tax map numbers identifying the parcel of non-Federal land that is to be exchanged to the Federal government. Senators Lieberman, Levin, Akaka, Carper, McCaskill, Begich, Collins, Coburn, Brown, and Johnson were present for both votes.

IV. SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section names the Act the “Former Charleston Naval Land Exchange Act of 2012.”

Section 2. Definitions

This section defines the terms Federal land, non-Federal land, Secretary, and State Ports Authority that are used in this bill.

The term “Federal land” means the parcels consisting of 10.499 acres of land (including improvements) that are owned by the United States and administered by the Department of Homeland Security. The land is included within the Charleston County Tax

Assessor's Office Tax Map Number 400-00-00-004, and shown as New Parcel B in that certain plat of Forsberg Engineering and Surveying Inc., dated May 25, 2007, entitled in part "Plat Showing the Subdivision of TMS 400-00-00-004 into Parcel B and Remaining Residual (Parcel A)."

The term "non-Federal land" means the 3 parcels of land (including improvements) in Charleston, South Carolina authorized to be conveyed to the United States under this Act.

The term "Secretary" means the Secretary of Homeland Security.

The Term "State Ports Authority" means the South Carolina State Ports Authority, an agency of the State of South Carolina.

Section 3. Land exchange

This section authorizes the Secretary of Homeland Security to convey a designated parcel of Federal land to the SCSPA in exchange for a parcel of non-Federal land owned by the SCSPA. Additionally, the coordinates and tax-map numbers for the non-Federal land are described. This section also states that the non-Federal land conveyed to the Secretary shall be acceptable to the Secretary and conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal government.

Section 4. Exchange terms and conditions

This section specifies that the conveyance of the Federal land under the previous section is subject to any valid existing rights and any additional terms and conditions that the Secretary of Homeland Security determines to be appropriate to protect the interests of the United States. Additionally, any cost of carrying out this land exchange shall be shared equally by the Secretary of Homeland Security and the SCSPA. Finally, the values of the Federal and non-Federal land in this exchange are to be considered equal notwithstanding the appraised value of the land.

Section 4. Boundary adjustment

This section requires that once the title to the non-Federal land has been accepted by the Secretary of Homeland Security, it is to be added to and administered as part of the Federal Law Enforcement Training Center and that the boundaries of the Center shall be adjusted to exclude the exchanged Federal land.

V. ESTIMATED COST OF LEGISLATION

MAY 3, 2012.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U. S. Senate, Washington, DC,

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2061, the Former Charleston Naval Base Land Exchange Act of 2012.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 2061—Former Charleston Naval Base Land Exchange Act of 2012

S. 2061 would authorize the exchange of about 10 acres of land located on the former U.S. Naval Base Complex in Charleston, South Carolina, and controlled by the Federal Law Enforcement Training Center (FLETC) for about 25 acres of land that is owned by the South Carolina State Ports Authority (SCSPA). The exchange would allow FLETC to control parts of the training facility currently owned by SCSPA and would provide property for SCSPA to expand the size of the port facility.

Based on information from FLETC and SCSPA, CBO estimates that implementing the legislation would have some small administrative costs to carry out the exchange, but such costs would not be significant. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 2061 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act; any costs to the state would be incurred voluntarily.

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

VI. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the Rule. The Congressional Budget Office states that the bill 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.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

S. 2061, as amended and reported, does not make any changes to existing law.