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SENATE

{ REPORT
112-40

TO AUTHORIZE THE ADMINISTRATOR OF GENERAL SERVICES TO CONVEY A PARCEL OF REAL PROPERTY IN TRACY, CALIFORNIA, TO THE CITY OF TRACY

JULY 28, 2011.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 1302]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, which considered S. 1302 a bill to authorize the Administrator of General Services to convey a parcel of real property in Tracy, California, to the City of Tracy, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

S. 1302 authorizes the Administrator of General Services to convey a parcel of real property in Tracy, California, to the City of Tracy.

GENERAL STATEMENT AND BACKGROUND

In 1998, Congress first passed legislation to allow the transfer of land located in Tracy, California, from the Federal Bureau of Prisons to the City of Tracy, with a stipulation that 150 of the 200 acres could be used for educational purposes and the other 50 acres could be used for economic development. Congress then slightly amended the language in two subsequent pieces of legislation by, among other things, allowing 150 acres of the property to be used for education or recreational purposes and by allowing the City to purchase the 50 acres designated for economic development.

When plans to use the property for youth sports fields were abandoned due to concerns about the presence of high-pressure un-

derground natural gas pipelines, the City decided it wanted to purchase the remaining 150 acres from GSA and have all restrictions on the property removed. S. 1302 authorizes the Administrator of GSA to convey the 150 acre parcel to the City at a cost of not less than the appraised fair market value. The cost of the parcel will be determined by the Administrator of GSA pursuant to an independent appraisal, and the City will be responsible for reimbursing the Administrator for any costs associated with conveyance, including the appraisal and survey. As part of the transfer, GSA will convey any reversionary interest retained by the United States in the parcel, and all other terms, conditions, reservations, and restrictions imposed.

This legislation will allow the City of Tracy to develop what is otherwise an unused piece of land and create jobs.

SECTION-BY-SECTION ANALYSIS

Section 1. Conveyance of Parcel, Tracy, California

Subsection (a) contains definitions for terms used in the bill.

Subsection (b) sets the terms of the conveyance including the release of any reversionary interest retained by the United States in the parcel, as well as all other terms, conditions, reservations, and restrictions imposed. This subsection also states that the exact acreage and legal description of the property shall be determined by a survey that is satisfactory to the Administrator.

Subsection (c) establishes the purchase price at not less than the fair market value based on its highest and best use as determined by the Administrator pursuant to an independent appraisal.

Subsection (d) states that the City shall be responsible for reimbursing the Administrator for costs associated with implementing this section.

Subsection (e) directs that the purchase price be paid into the Federal Buildings Fund established under 40 U.S.C. Sec. 592 and that the funds shall be available to the Administrator in amounts specified in appropriations Acts.

Subsection (f) states that the Administrator may establish additional terms and conditions in connection with the conveyance.

Subsection (g) states that nothing in this Act, or any amendment made by this Act, affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of CERCLA.

LEGISLATIVE HISTORY

Senator Boxer introduced S. 1302, a bill to authorize the Administrator of General Services to convey a parcel of real property in Tracy, California, to the City of Tracy, on June 29, 2011. The bill was referred to the Senate Committee on Environment and Public Works. On July 13, 2011, the Committee on Environment and Public Works met to consider S. 1302 and ordered the bill to be favorably reported without amendment. A companion bill was introduced in the House of Representatives on July 6, 2011 by Representative McNerney (D-CA-11).

HEARINGS

There were no hearings held on this bill.

ROLLCALL VOTES

On July 13, 2011, the Committee on Environment and Public Works met and considered S. 1302. A quorum of the Committee being present, S. 1302 was reported favorably without amendment by a voice vote. There were no rollcall votes taken in Committee on this bill.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes evaluation of the regulatory impact of the reported bill. The Committee finds that this legislation, to authorize the conveyance of real property, does not have substantial regulatory impacts.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act (UMRA) of 1995 (Public Law 104-4), the Committee finds that this legislation does not impose intergovernmental mandates or private sector mandates as those terms are defined in UMRA. The Congressional Budget Office concurs, finding that S. 1302 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

JULY 22, 2011.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1302, a bill to authorize the Administrator of the General Services to convey a parcel of real property in Tracy, California, to the city of Tracy.

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. 1302—A bill to authorize the Administrator of the General Services to convey a parcel of real property in Tracy, California, to the city of Tracy

S. 1302 would direct the General Services Administration (GSA) to sell about 150 acres of undeveloped land in Tracy, California. The legislation would require the city to pay GSA the fair market value of the land's highest and best use as determined by GSA. Proceeds from the sale would be deposited in the Federal Building Fund and available to GSA, subject to future appropriation.

According to information from GSA and the city of Tracy, the 150 acres described in S. 1302 is part of a 200-acre conveyance made from the federal government to the city in 1998. The 1998 conveyance required that the parcel be used for recreational or educational purposes. In 2007, the city concluded that recreational uses for the property were not viable and would like to enter into

an agreement with an energy company to install solar power equipment on the site.

CBO estimates that enacting this legislation would have no significant net impact on the federal budget because we expect that the conveyance will happen in the absence of this legislation within the next 10 years. Enacting S. 1302 could affect direct spending; therefore, pay-as-you-go procedures apply to the legislation, but CBO estimates that the net effects would not be significant over the 2012–2021 period. Enacting S. 1302 would not affect revenues.

Under current law, GSA is authorized to sell properties that the agency has conveyed to nonfederal entities. Enacting S. 1302 may change the timing of the sale of the 150 acres to the city, but not the amount of proceeds the government will receive.

S. 1302 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.

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

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.