

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

MAY 30, 2012.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany S. 363]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (S. 363) 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, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 363 is to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi.

BACKGROUND AND NEED FOR LEGISLATION

S. 363 would authorize the Secretary of Commerce to convey specified property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration (NOAA) to the City of Pascagoula, Mississippi. The bill would allow NOAA to exchange less than one acre of property with the City of Pascagoula to improve the administration of a science center while providing the City with land it needs for a park and Pascagoula River access.

The bill provides that the United States will receive at least the fair market value of the property or rights conveyed. The bill also specifies acceptable forms of property, cash, and in-kind consideration and allows the Secretary to grant or convey a right of way or easement to the City.

The NOAA National Marine Fisheries Service Southeast Science Center located in the City of Pascagoula, Mississippi, encroached

on surrounding county property in late 1990s. According to NOAA, the agency encroached on two small parcels plus a portion of a street outside the Science Center for security purposes. Jackson County originally owned the property and agreed to the encroachment. The County later sold the property to the City of Pascagoula in 2008. Over the years, NOAA used the encroached land parcels for parking and storage. In addition to these encroached land areas, NOAA would like to acquire City property adjacent to the Science Center to provide for more parking and storage, and potential facility expansion. The total land NOAA would like to acquire from the City adds up to roughly 46,466 square feet: Parcel A—11,783 square feet of Delmas Avenue beginning at the west side of the railroad right of way ending at the Pascagoula River; Parcel B—approximately 34,000 square feet, representing a portion of Tract B bounded by Delmas Avenue to the north and Watts Avenue to the south; and Parcel C—683 square feet, representing a portion of Tract B. Metes and bounds surveys have not been completed, which have prevented NOAA from providing more specific parcel descriptions.

The City of Pascagoula is interested in developing green space along its waterfront area and would like to acquire NOAA property to create a park, as well as secure public access to the Pascagoula River, and to expand the City's contiguous land holdings. The City would like to acquire 35,059 square feet of NOAA property within a tract of land bounded by Delmas Avenue to the south, Pascagoula River to the west, Pol Street to the north, and City owned property to the east. According to NOAA, it has removed modular buildings from the property and could release the lands without disruption to its operations.

NOAA and the City of Pascagoula have expressed written support for the land exchange. NOAA is prepared to contract for the land surveys and appraisals necessary to prepare the acquisition and disposal documents.

COMMITTEE ACTION

S. 363 was introduced on February 16, 2011, by Senator Roger Wicker (R-MS). On November 10, 2011, the bill passed the Senate, with an amendment, by unanimous consent. The bill was then referred to the House Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs. On December 15, 2011, the Subcommittee held a hearing on the bill. On April 25, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs was discharged by unanimous consent. No amendments were offered to the bill and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

S. 363—An act 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.

On May 25, 2011, CBO transmitted a cost estimate for 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, as ordered reported by the Senate Committee on Commerce, Science, and Transportation. The two versions of the legislation are similar, and the estimated costs are the same.

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

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or

tax expenditures. 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.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.