

DIRECTING THE SECRETARY OF AGRICULTURE TO CONVEY TO MIAMI-DADE COUNTY CERTAIN FEDERALLY OWNED LAND IN FLORIDA, AND FOR OTHER PURPOSES

SEPTEMBER 10, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PETERSON, from the Committee on Agriculture,
submitted the following

R E P O R T

[To accompany H.R. 3175]

[Including cost estimate of the Congressional Budget Office]

The Committee on Agriculture, to whom was referred the bill (H.R. 3175) to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

BRIEF EXPLANATION

H.R. 3175 directs the Secretary of Agriculture to convey approximately 2 acres currently a part of the Subtropical Horticulture Research Station operated by the Agricultural Research Service to Miami-Dade County, Florida.

The bill requires Miami-Dade County to pay market value and transaction and administrative costs to the Secretary.

Consideration and receipts for costs shall be deposited in the Treasury, but will be credited for the operation, upkeep and maintenance of the Subtropical Horticulture Research Station without further appropriation.

The bill compels the County to build a security fence between the property conveyed and the adjacent Research Station lands using materials and standards approved by the Secretary.

PURPOSE AND NEED

H.R. 3175 was introduced by Congressman Lincoln Diaz-Balart of Florida. This bill would allow for the sale of approximately two

acres of land at the USDA Agricultural Research Service's Subtropical Horticulture Research Station in Miami-Dade County, Florida.

The Subtropical Horticulture Research Station was created in 1898, and has been at its current location since 1923. The 160 acre site conducts and supports environmentally sound research on tropical and subtropical crops.

The two-acre plot of land would be sold at market value to Miami-Dade County for the purpose of building a fire station in the village of Palmetto Bay, a community of 25,000. Palmetto Bay, along with that of neighboring South Coral Gables, is currently facing below-average fire-fighter response times as compared to other municipalities in the region.

ARS has worked with the County and the village in identifying land that could be used for the fire station, and USDA has indicated that the County has the funding to move forward with the purchase.

In addition to the sale allowance, H.R. 3175 directs that the proceeds from the sale go to the ARS budget for the station's operation, upkeep and maintenance. The County would also be responsible for all transaction and personnel costs associated with the conveyance of the property as well as a \$50,000 payment to cover administrative costs.

SECTION-BY-SECTION

Section 1. Definitions

Defines the term "County" as Miami-Dade County in Florida; defines the term "Secretary" as the Secretary of Agriculture; and defines the term "Property" as approximately 2 acres of land within the Subtropical Horticulture Research Station in Miami-Dade County.

Section 2. Land conveyance

Requires the Secretary to convey all right, title and interest in 2 acres of land currently a part of the Subtropical Horticulture Research Station; requires the County to provide payment in the amount of the property's market value, as appraised under the Uniform Appraisal Standards for Federal Land Acquisitions; requires the County to pay for a survey of the property's boundaries and provide certified originals to the Secretary; and mandates the County to release USDA from the title and the Secretary to convey the property to the County not later than 120 days after depositing the consideration with USDA.

Section 3. Costs

Directs the county to pay or reimburse the Secretary for closing costs and other costs related to conveyance of the property, including \$50,000 for administrative costs. Each party will pay their own legal fees.

Section 4. Receipts

Authorizes the Secretary to deposit the consideration and receipts into the Treasury and to receive a credit for the operation,

upkeep and maintenance of the Subtropical Horticulture Research Station without appropriation.

Section 5. Miscellaneous provisions

Directs the County to erect a security fence between the property conveyed and the adjacent property of the Subtropical Horticulture Research Station using standards and materials approved by the Secretary. The Secretary and County may achieve the purposes of this conveyance on mutually acceptable terms consistent with this bill.

COMMITTEE CONSIDERATION

The Committee on Agriculture met, pursuant to notice, with a quorum present, on July 29, 2009, to consider H.R. 3175 and other pending legislation.

Members were recognized and each made a statement in support of the legislation.

There being no amendments, Mr. Lucas moved that H.R. 3175 be reported favorably to the House with the recommendation that it do pass.

By a voice vote, and in the presence of a quorum, H.R. 3175 was ordered favorably reported to the House.

Chairman Peterson then advised Members that pursuant to the rules of the House of Representatives that Members have 2 calendar days to file such views with the Committee. No Members came forth with intent to file additional views.

Without objection, staff was given permission to make any necessary clerical, technical or conforming changes to reflect the intent of the Committee.

Chairman Peterson thanked all the Members and adjourned the meeting subject to the call of the chair.

REPORTING THE BILL—ROLLCALL VOTES

In compliance with clause 3(b) of rule XIII of the House of Representatives, H.R. 3175 was reported by voice vote with a majority quorum present. There was no request for a recorded vote.

COMMITTEE OVERSIGHT FINDINGS

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

BUDGET ACT COMPLIANCE (SECTIONS 308, 402, AND 423)

The provisions of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, new credit authority, or increased or decreased revenues or tax expenditures) are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and sections 402 and 423 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 7, 2009.

Hon. COLLIN C. PETERSON,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3175, a bill to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 3175—A bill to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida

H.R. 3175 would direct the U.S. Department of Agriculture (USDA) to sell a 2-acre portion of a horticultural research station in Florida to Miami-Dade County. Under the bill, the county would pay \$50,000 to the USDA to cover administrative costs and also would be responsible for all transaction costs such as appraisals. Proceeds from the sale of the property would be available to the USDA's Agricultural Research Service without further appropriation to operate and maintain the research station.

CBO estimates that implementing H.R. 3175 would have no net impact on the federal budget. The offsetting receipts earned from the sale—which we estimate would be less than \$2 million—would be offset by additional spending over the next few years. Moreover, because the property to be sold generates no receipts from commercial activities, selling it would not result in any loss of income to the federal government.

The bill 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. Enactment of this bill would benefit Miami-Dade County; any costs to the county would be incurred voluntarily.

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

PERFORMANCE GOALS AND OBJECTIVES

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 objections of this legislation are direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the Constitutional authority for this legislation in Article I, clause 8, section 18, that grants Congress the power to make all laws necessary and proper for car-

rying out the powers vested by Congress in the Constitution of the United States or in any department or officer thereof.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee report incorporates the cost estimate prepared by the Director of the Congressional Budget Office pursuant to sections 402 and 423 of the Congressional Budget Act of 1974.

ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was 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).

FEDERAL MANDATES STATEMENT

The Committee adopted 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).

EARMARK STATEMENT REQUIRED BY CLAUSE 9 OF RULE XXI OF THE
RULES OF HOUSE OF REPRESENTATIVES

H.R. 3175 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the rules of the House Representatives.

