

SMITHSONIAN CONSERVATION BIOLOGY INSTITUTE  
ENHANCEMENT ACT

SEPTEMBER 20, 2010.—Ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and  
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 5717]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5717) to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Smithsonian Conservation Biology Institute Enhancement Act”.

**SEC. 2. FACILITY FOR RESEARCH AND EDUCATIONAL PROGRAMS.**

(a) **IN GENERAL.**—The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct a facility on National Zoological Park property in Front Royal, Virginia for the purpose of conducting research and educational programs.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out subsection (a)—

- (1) \$1,000,000 for each of fiscal years 2010 and 2011; and
- (2) \$3,000,000 in the aggregate for all succeeding fiscal years.

**SEC. 3. AGREEMENTS FOR HOUSING AND OTHER SERVICES.**

(a) **IN GENERAL.**—The Board of Regents of the Smithsonian Institution is authorized to enter into agreements for the provision of housing and other services to the participants in the programs referenced in section 2.

(b) **COSTS.**—The housing and other services described in subsection (a) shall be provided at no cost to the Smithsonian Institution.

**SEC. 4. ANIMAL HOLDING FACILITY.**

The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct animal holding and related program facilities on National Zoological Park property in Front Royal, Virginia, to be funded from nonfederal sources.

**PURPOSE OF THE LEGISLATION**

H.R. 5717, as amended, the “Smithsonian Conservation Biology Institute Enhancement Act”, authorizes the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia.

**BACKGROUND AND NEED FOR LEGISLATION**

H.R. 5717, as amended, authorizes the renovation of and an addition to an existing building to be used as an educational facility at the Smithsonian Institution’s National Zoological Park (NZIP) facility in Front Royal, Virginia. The bill also authorizes third parties to construct and operate housing and food service facilities on Smithsonian property that further the educational and research program goals of the NZIP. The provision of the housing and food service facilities and their operation are to be funded entirely from other sources, and the bill expressly provides that these costs are not to be borne by the Smithsonian Institution.

The NZIP building to be renovated and expanded will consist of approximately 25,400 gross square feet. It will consist of classrooms, laboratories, offices, and support spaces. The construction is planned to provide a code-compliant, LEED-certified facility, using the entire existing structure, which consists of 14,925 gross square feet. Reuse of existing structures is a hallmark of sustainable design and construction because it minimizes waste. The operation and maintenance costs of the renovated and expanded existing facility are to be covered by tuition payments from students attending the educational facility.

**SUMMARY OF THE LEGISLATION***Section 1. Short title*

Section 1 provides that the Act may be referred to as the “Smithsonian Conservation Biology Institute Enhancement Act”.

*Sec. 2. Facility for research and educational programs*

This section authorizes the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility on National Zoological Park property in Front Royal, Virginia, for the purpose of conducting research and educational programs. This section also authorizes appropriations of \$1 million in each of fiscal years 2010 and 2011, and \$3 million in aggregate for all succeeding fiscal years.

*Sec. 3. Agreements for housing and other services*

This section authorizes the Board of Regents to enter into agreements for the provision of housing and “other services”, which the Committee on Transportation and Infrastructure understands to include food service, for program participants identified in section 2. This authorization is intended to enable the Smithsonian Institution, for the first time, to enter into an agreement or agreements

that will allow a third party or parties to construct and own building improvements on Smithsonian property. This type of agreement is typically carried out through a long-term ground lease, and the Committee understands that the Smithsonian Institution will use a ground lease to carry out this section.

*Sec. 4. Animal holding facility*

This section provides authority to the Smithsonian to plan, design, and construct animal holding and related program facilities on the NZP property. No appropriations are authorized for these facilities. The funding for these facilities will come entirely from Smithsonian trust (i.e., non-Federal) sources. This section expressly provides that the cost to plan, design, or construct these facilities will not be borne by the Federal Government.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

In the 111th Congress, on July 13, 2010, Representative Xavier Becerra introduced H.R. 5717. On July 14, 2010, the Committee on House Administration ordered the bill reported favorably to the House by voice vote with a quorum present. On July 29, 2010, the Committee on Transportation and Infrastructure Committee met to consider H.R. 5717. The Committee adopted by voice vote an amendment to the bill. The Committee ordered the bill, as amended, reported favorably to the House by voice vote with a quorum present.

RECORD VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record 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 connection with consideration of H.R. 5717 or in ordering the bill reported. A motion to order H.R. 5717, as amended, reported favorably to the House was agreed to by voice vote with a quorum present.

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 section 308(a) of the Congressional Budget Act of 1974, the Committee references



Basis of estimate: H.R. 5717 would authorize appropriations of \$5 million to pay for a portion of the costs of the planning, designing, and construction of a research and educational facility at the National Zoo's property in Front Royal, Virginia. For purposes of this estimate, CBO assumes that \$1 million in funding authorized for fiscal year 2010 will be provided in fiscal year 2011, along with the amount authorized for that year. Any additional costs for that facility, as well as the costs related to an animal holding facility (also located on that property) would be paid from private donations to the Smithsonian Institution.

In addition, the bill would authorize the Smithsonian Institution to enter into a ground lease for the provision of housing and other services at the facility. Costs of that project would be borne by the leaseholder and by the students and scholars using the facility, rather than the Smithsonian Institution. Although the Smithsonian Institution receives considerable federal support, it is a federally chartered nonprofit organization that also draws on significant private donations for its operations. For those reasons, CBO estimates that the special leasing arrangement would not result in the purchase of the facility by the federal government, and, therefore, would not provide direct spending authority.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 5717 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On August 26, 2010, CBO transmitted a cost estimate for H.R. 5717, the Smithsonian Conservation Biology Institute Enhancement Act, as ordered reported by the Committee on House Administration. The estimates are identical.

Estimate prepared by: Federal Costs: Christina Hawley Anthony; Impact on State, Local, and Tribal Governments: Elizabeth Cove Delisle; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

#### COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. H.R. 5717 does not contain any earmarks, limited tax benefits, or limited tariff benefits under clause 9(e), 9(f), or 9(g) of rule XXI.

#### 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 (P.L. 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. 5717, as amended, 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 (P.L. 104-1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 5717, as amended, makes no changes in existing law.