

Committee on Natural Resources

Rob Bishop, Chairman
Mark-Up Memorandum

June 20, 2017

To: All Committee on Natural Resources Members

From: Majority Committee Staff – Terry Camp
Subcommittee on Federal Lands (x 6-7736)

Mark-Up: **H.R. 954 (Rep. Bob Goodlatte)**, To remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes.
June 22 & 27, 2017; 1324 Longworth HOB.

Summary of the Bill

H.R. 954, introduced by Congressman Bob Goodlatte (R-VA-6), removes certain deed restrictions on an approximately 1-acre portion of a property that was previously transferred to Rockingham County, Virginia, under the terms of the National Park Service's Federal Lands to Parks Program. Removal of these deed restrictions will allow for needed upgrades to be made to a non-profit childcare center.

Background

In 1989, the National Park Service conveyed a 3.03-acre surplus property, at no cost, to Rockingham County, Virginia under the terms of the National Park Service's Federal Lands to Parks Program. The transferred land included a garage that had previously been used by the National Park Service. Following the transfer, Rockingham County decided that the non-profit Plains Area Day Care Center, which provides affordable childcare for nearly 100 children, would benefit from use of the garage.

In 1990, Congress enacted Public Law 101-479 to allow for a portion of the previously transferred land to be used for the child care center. The Act specified that use should be confined to the buildings in existence as of the date of enactment; involve fencing or enclosing of no more than 3,500 square feet of the open space portions of the lands; and not preclude use of any of the land for other permissible purposes, subject to reasonable restrictions necessary to allow a use authorized under the Act.¹ Although a portion of the transferred property is authorized for use as a day-care center, the center encounters hurdles in securing financing for improvements and repairs due to the terms of the original deed and the subsequent legislation.

¹ Pub. L. 101-479, 104 Stat. 1158, 31 Oct. 1990.

H.R. 954 would remove certain deed restrictions from an approximately 1-acre portion of the property, while the other 2 acres would continue to be subject to the existing deed restrictions and reversionary clause. Removal of these deed restrictions will ensure that improvements and repairs can take place without further delay in the future.

An identical version of this bill, H.R. 2288, passed the House in the 114th Congress by a vote of 407 – 0. Additionally, a similar bill, H.R. 5162 passed the House 378 – 1 in the 113th Congress. This Congress, Senator Tim Kaine (D-VA) has introduced a companion bill in the Senate as S. 331. Senator Kaine also sponsored a similar bill, S. 1329, in the 114th Congress.

Cost

In the 114th Congress, CBO estimated that implementing H.R. 2288, a bill identical to H.R. 954, would have no effect on the federal budget and would not affect direct spending or revenues.

Administration Position

The Administration position is unknown at this time.

Effect on Current Law (Ramseyer)

Showing Current Law as Amended by H.R. 954

[new text highlighted in yellow; text to be deleted bracketed and highlighted in blue]

PUBLIC LAW 101-479, An Act to allow a certain parcel of land in Rockingham County, Virginia, to be used for a child care center

* * * * *

SEC. 2. REQUIREMENTS.

(a) A use permitted under this Act shall be confined to buildings in existence as of the date of enactment of this Act (which may be appropriately modified or altered so as to meet other applicable requirements of law) and shall involve fencing or enclosing of no more than 3,500 square feet of the open space portions of the lands, and shall not preclude use of any of the land for other permissible purposes, subject to reasonable restrictions necessary to allow a use authorized under this Act.

(b) The authority of the county under this Act shall be limited to the authorization of use of the land by a child care center serving children without regard to their race, creed, color, national origin, physical or mental disability, or sex, operated by a nonsectarian organization on a nonprofit basis and in compliance with all applicable requirements of the laws of the United States and the Commonwealth of Virginia.

(c) Except as specified in this Act, this Act shall not increase or diminish the authority or responsibility of the county with respect to the land.

[(d)(1) If the county, pursuant to this Act, authorizes use of the lands for a child care center, the county shall include information concerning such use in the biennial reports to the Secretary of

the Interior required under the terms of the conveyance of the land to the county by the United States and shall also provide a copy of such information to appropriate officials of the United States and the Commonwealth of Virginia responsible for implementation of laws concerning the operation of child care centers.

(2) Any violation of the provisions of this Act shall be deemed to be a breach of the conditions and covenants under which the lands were conveyed to the county by the United States, and shall have the same effect, as provided in the deed whereby the United States conveyed the lands to the county.]

* * * * *

SEC. 4. REMOVAL OF USE RESTRICTION.

(a) The approximately 1-acre portion of the land referred to in section 3 that is used for purposes of a child care center, as authorized by this Act, shall not be subject to the use restriction imposed in the deed referred to in section 3.