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EXCHANGE OF LAND AT THE GEORGE WASHINGTON MEMORIAL PARKWAY

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2000.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 3000]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 3000) to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. AUTHORIZATION OF LAND EXCHANGE.

(a) IN GENERAL.—Subject to section 2, the Secretary of the Interior (referred to in this Act as the "Secretary") and the Director of Central Intelligence (referred to in this Act as the "Director") may exchange—

(1) approximately 1.74 acres of land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway, as depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998; for

(2) approximately 2.92 acres of land under the jurisdiction of the Central Intelligence Agency adjacent to the boundary of the George Washington Memorial Parkway, depicted on National Park Service Drawing No. 850/81991, Sheet 1, dated August 6, 1998.

(b) PUBLIC INSPECTION.—The drawings referred to in subsection (a) shall be available for public inspection in the appropriate offices of the National Park Service.

SEC. 2. CONDITIONS OF LAND EXCHANGE.

(a) NO REIMBURSEMENT OR CONSIDERATION.—The exchange described in section 1 shall occur without reimbursement or consideration.

(b) PUBLIC ACCESS FOR MOTOR VEHICLE TURN-AROUND.—The Director shall allow public access to the land described in section 1(a)(1) for a motor vehicle turn-around on the George Washington Memorial Parkway.

(c) TURNER-FAIRBANK HIGHWAY RESEARCH CENTER.—The Director shall allow access to the land described in section 1(a)(1) by—

(1) employees of the Federal Highway Administration; and

(2) other Federal employees and visitors whose admission to the Turner-Fairbank Highway Research Center of the Federal Highway Administration (hereinafter referred to in this Act as the "Center") is authorized by the Center.

(d) CLOSURE TO PROTECT CENTRAL INTELLIGENCE AGENCY.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3) and notwithstanding any other provision of this section, the Director may close access to the land described in section 1(a)(1) to all persons (other than the United States Park Police, other necessary employees of the National Park Service, and employees of the Federal Highway Administration) if the Director determines that physical security conditions require the closure to protect employees or property of the Central Intelligence Agency.

(2) TIME LIMITATION.—The Director may not close access to the land under paragraph (1) for more than 12 hours during any 24-hour period unless the Director consults with the National Park Service, the Center, and the United States Park Police.

(3) TURNER-FAIRBANK HIGHWAY RESEARCH CENTER.—No action shall be taken under this subsection to diminish access to the land described in section 1(a)(1) by employees of the Federal Highway Administration except when the action is taken for security reasons.

(e) DEED RESTRICTIONS.—The Director shall ensure compliance by the Central Intelligence Agency with the deed restrictions that apply to the land described in section 1(a)(1).

(f) INTERAGENCY AGREEMENT.—The Secretary and the Director shall comply with the terms and conditions of the Interagency Agreement between the National Park Service and the Central Intelligence Agency, signed in 1998, regarding the exchange and management of the land subject to the Agreement.

(g) DEADLINE.—the Secretary and the Director shall complete the exchange authorized by this section not later than 120 days after the date of enactment of this Act.

SEC. 3. MANAGEMENT OF EXCHANGED LANDS.

(a) LAND CONVEYED TO SECRETARY.—Any land described in section 1(a)(2) that is conveyed to the Secretary shall be—

(1) included within the boundary of the George Washington Memorial Parkway; and

(2) administered by the National Park Service as part of the Parkway, subject to the laws (including regulations) applicable to the Parkway.

(b) LAND CONVEYED TO DIRECTOR.—Any land described in section 1(a)(1) that is conveyed to the Director shall be administered as part of the Headquarters Building Compound of the Central Intelligence Agency.".

2. Amend the title so as to read: "To authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.".

PURPOSE OF THE MEASURE

The purpose of S. 3000 is to authorize an exchange of land between the National Park Service and the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia.

BACKGROUND AND NEED

In 1998, the National Park Service (NPS) and the Central Intelligence Agency (CIA) signed an agreement to exchange lands to facilitate the installation of security measures and provide police control to prevent unauthorized entry into the CIA Headquarters Building Compound. The lands to be exchanged involve 1.74 acres of park land just outside the CIA entrance gate, located adjacent

to the George Washington Memorial Parkway and CIA interchange and 2.92 acres of CIA property located along the CIA's boundary with the Parkway.

The agreement between the NPS and the CIA provided the CIA with temporary control over the property until September, 20, 2001. The National Park Service has no authority to transfer land with another agency without congressional authorization. S. 3000 authorizes the exchange of land between the two agencies.

LEGISLATIVE HISTORY

S. 3000 was introduced by Senator Robb on July 27, 2000. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 3000 on September 14, 2000. At the business meeting on September 20, 2000, the Committee on Energy and Natural Resources ordered S. 3000 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 20, 2000 by a unanimous vote of a quorum present, recommends that the Senate pass S. 3000, if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 3000, the Committee adopted an amendment in the nature of a substitute and an amendment to the title. The substitute amendment made a number of technical corrections and clarified provisions in the bill concerning employee and visitor access to Federal Highway Administration facilities adjacent to the Central Intelligence Agency.

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes the exchange of approximately 1.74 acres of land within the boundary of the George Washington Memorial Parkway for approximately 2.92 acres of land under the jurisdiction of the Central Intelligence Agency (CIA), adjacent to the George Washington Memorial Parkway, as described on the specified map references.

Section 2(a) requires the land exchange to occur without reimbursement or consideration.

Subsection (b) requires the CIA to allow public access to the road on the exchanged land to provide for a turn-around for motorists on the George Washington Memorial Parkway.

Subsection (c) requires the CIA to allow access to the exchanged land by employees of the Federal Highway Administration and other authorized visitors of the Turner-Fairbank Highway Research Center.

Subsection (d) authorizes the Director of the CIA to close access to the exchanged land for all persons (other than the United States Park Police, necessary employees of the National Park Service, and employees of the Federal Highway Administration) when necessary to protect employees or property of the CIA. Such closures are limited to no more than 12 hours in any 24-hour period, unless the Director of the CIA consults with the National Park Service, the

Turner-Fairbank Highway Research Center, and the United States Park Police.

Subsection (e) requires the CIA to comply with deed restrictions for the transferred lands

Subsection (f) requires the National Park Service and the CIA to comply with the terms of the agreement signed by the two parties in 1998 regarding the exchange and management of the lands.

Subsection (g) requires the transfer to be completed within 120 days of the date the legislation is enacted.

Section 3 directs that the lands conveyed to the Secretary under section 1 be included within the boundaries of the George Washington Memorial Parkway, and that the lands conveyed to the CIA be managed as part of the agency's Headquarters Building Compound.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office cost estimate report had not been received at the time the report was filed. When the report becomes available, the Chairman will request that it be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 3000. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 3000, as ordered reported.

EXECUTIVE COMMUNICATIONS

On September 15, 2000, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 3000. These reports had not been received at the time the report on S. 3000 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF DONALD J. HELLMANN, DEPUTY ASSISTANT DIRECTOR, LEGISLATIVE AND CONGRESSIONAL AFFAIRS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 3000, a bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia and for other purposes.

The Department supports S. 3000 with the technical amendments outlined at the end of this testimony. This legislation is similar to a bill the Administration transmitted to Congress on June 19, 2000.

S. 3000 would allow the Secretary of the Interior and the Director of the Central Intelligence Agency to exchange 1.74 acres of land within the George Washington Memorial Parkway for approximately 2.92 acres of land adjacent to the boundary of the George Washington Memorial Parkway and currently under the jurisdiction of the Central Intelligence Agency (CIA). The site also provides access to the Federal Highway Administration's Turner-Fairbank Research facility.

The George Bush Center for Intelligence requires additional land outside its gates, located immediately off the parkway at the CIA exit, to provide sufficient security systems to prevent unauthorized entry onto its grounds and to exercise law enforcement powers in the area in front of the entrance. The CIA interchange was constructed in 1959 to serve the CIA complex at Langley, Virginia. The current CIA gate is located at the park boundary and just off the interchange exit ramps. Vehicles exiting the parkway onto the CIA ramp have the potential to gain sufficient speed to enter the gates before the guards at the gates can implement any protective measures. An exchange of lands between the CIA and the National Park Service, George Washington Memorial Parkway (NPS) will provide the necessary acreage to install speed and traffic control devices and signage to control approaching traffic at the gate. Section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. Sec. 4039(o)) requires that the agency either own, lease, or otherwise exercise custody and control over a parcel of land in order to exercise statutory police powers.

An agreement to exchange lands was signed on July 2, 1998. This agreement provides the CIA with temporary custody and control of the assigned NPS property. Under this agreement NPS agreed to permit the CIA to install or place traffic or speed control devices deemed necessary to prevent unauthorized entry and to acknowledge CIA law enforcement jurisdiction over the parcel. The agreement requires that the CIA work with NPS to obtain requisite Congressional approval for transfer of the property, and if Congress refuses to approve transfer, CIA will return the property to NPS in restored condition. This agreement will expire on September 20, 2001.

The United States Park Police have no opposition to the transfer or to CIA law enforcement outside CIA gates. The interchange road leading into the CIA is in good condition. The proposed exchange property owned by the CIA is wooded and has no developments on it. The exchange will benefit the National Park Service by bringing in these resources adjacent to the park's boundary. The exchange will not result in any additional staff or development costs to NPS.

We understand that the committee staff has drafted technical amendments to correct the bill's technical flaws. We support these technical amendments.

That concludes my prepared testimony, and I would be happy to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 3000, as ordered reported.

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