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**RELOCATION OF ARCHITECT'S TREE NURSERY**

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**HEARINGS AND MARKUPS**

BEFORE THE

**SUBCOMMITTEE ON  
FISCAL AFFAIRS AND HEALTH**

AND THE

**COMMITTEE ON  
THE DISTRICT OF COLUMBIA  
HOUSE OF REPRESENTATIVES**

**NINETY-EIGHTH CONGRESS**

**FIRST AND SECOND SESSIONS**

ON

**H.R. 4153 and substitute H.R. 5565**

**TO DIRECT THE ARCHITECT OF THE CAPITOL TO ENTER INTO AN  
AGREEMENT WITH THE DC GOVERNMENT TO RELOCATE THE ARCHI-  
TECT'S TREE NURSERY**

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OCTOBER 25, 1983, MARCH 15, AND MAY 3, 1984

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**SERIAL NO. 98-10**

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## H.R. 4153—TO RELOCATE THE ARCHITECT'S TREE NURSERY

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TUESDAY, OCTOBER 25, 1983

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH,  
COMMITTEE ON THE DISTRICT OF COLUMBIA,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 9:40 a.m., in room 1310, Longworth House Office Building, Hon. Walter E. Fauntroy (chairman of the subcommittee) presiding.

Present: Delegate Fauntroy and Representative Parris.

Also present: Edward C. Sylvester, Jr., staff director; Johnny Barnes, staff counsel; Donn G. Davis, senior legislative associate; John Gnorski, minority staff director; Virginia Bancroft, Ronald Hamm, and Deborah Zitzke, minority staff assistants.

Mr. FAUNTROY. The subcommittee will come to order.

Today, the subcommittee will take up three measures. H.R. 4153 and H.R. 3707 will be the subject of hearing and markup, and H.R. 3424 will be the subject of markup only.

H.R. 4153 directs the Architect of the Capitol to enter into an agreement with the District of Columbia government to relocate the Architect's Tree Nursery. The Secretary of the Interior is also directed to permit the District to construct and operate certain transportation improvements on Federal property.

Passage of H.R. 4153 is needed so that the District can initiate construction of a parking facility which will be used in conjunction with the planned Anacostia Metro Rail station. The parking facility would be constructed on the site currently occupied by the Architect at Poplar Point and would have access to ramps from the Anacostia Freeway. The two maps in each member's folder depicts the existing and proposed facilities.

While there is a critical need to ensure that those east of the Anacostia River be serviced by our Metro Rail system because they heavily depend on rapid transportation, it should be noted that, like other stations, the Anacostia station will service Maryland and Virginia commuters as well.

It should also be noted that arrangements are being made to relocate the Architect's Tree Nursery on the D.C. Village site which apparently is suitable to the Architect.

H.R. 4153 is the product of discussions and negotiations between the city and the Architect's office, and it is my understanding that, with the exception of a few clarifying amendments that may be needed, this legislation is acceptable to all affected parties.

One final point on H.R. 4153. As you know, there has been court action resulting in an injunction prohibiting certain Metro construction, including the Anacostia station. The site of the Anacostia station will not, however, be affected irrespective of the final outcome of that litigation. The Anacostia site is fixed. It is expected to take some time to relocate the Architect, so it is important that this committee proceed now to allow planning and preparation and to facilitate the relocation once the injunction is lifted.

I look forward to the testimony of the Architect and the city, and I will emphasize that this committee is prepared to work with all interested parties to fashion any proposed changes to H.R. 4153 to ensure that we are all moving together on this critical measure.

[A copy of H.R. 4153 and section-by-section outline follow:]

98TH CONGRESS  
1ST SESSION

# H.R. 4153

To direct the Architect of the Capitol to enter into an agreement with the District of Columbia government to relocate certain greenhouse and nursery facilities of the United States Botanic Garden, and to direct the Secretary of the Interior to permit the District of Columbia to construct, maintain, and operate certain transportation improvements on Federal property.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 1983

Mr. FAUNTROY introduced the following bill; which was referred jointly to the Committees on the District of Columbia and House Administration

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## A BILL

To direct the Architect of the Capitol to enter into an agreement with the District of Columbia government to relocate certain greenhouse and nursery facilities of the United States Botanic Garden, and to direct the Secretary of the Interior to permit the District of Columbia to construct, maintain, and operate certain transportation improvements on Federal property.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        SECTION 1. (a) Within one year after the date of enact-  
4        ment of this Act, the Architect of the Capitol (hereinafter

1 referred to as the "Architect") under the direction of the  
2 Joint Committee on the Library shall enter into an agree-  
3 ment with the District of Columbia government (hereinafter  
4 referred to as the "District") consistent with the provisions of  
5 this Act.

6 (b) Such agreement shall include the following provi-  
7 sions:

8 (1)(A) The facilities operated and maintained by  
9 the United States Botanic Garden at the Poplar Point  
10 Greenhouse and Nursery described in section 3(a) will  
11 be relocated to a site to be determined by the Architect  
12 and the District. The relocation site will consist of not  
13 less than twenty-five contiguous acres on property in  
14 southwest Washington under the jurisdiction of the  
15 District in the area known as D.C. Village. Such site  
16 shall include the District of Columbia Metropolitan  
17 Police Department Canine Facility located at 4665  
18 Blue Plains Drive and the office building and parking  
19 facility at 4701 Shepherd Parkway occupied by the  
20 District of Columbia Department of Transportation.

21 (B) The District will be responsible for all ex-  
22 penses arising from such relocation. Such expenses  
23 may include the replacement of any facilities main-  
24 tained by the United States Botanic Garden at the  
25 Poplar Point location by facilities of such state of the



1 art design and construction as may be determined by  
2 the Architect and the Joint Committee on the Library.  
3 The relocation project shall be deemed a Federal-aid  
4 highway project and the District shall be entitled to  
5 implement such relocation and replacement pursuant to  
6 section 127(a) of Public Law 97-424 (amending 23  
7 U.S.C. 108(b)), equal to 100 per centum of the cost  
8 thereof.

9 (2) The District will convey without consideration  
10 to the Architect on behalf of the United States all  
11 right, title, and interest of the District in any real  
12 property determined pursuant to paragraph (1) as the  
13 relocation site.

14 (3) The District will convey without consideration  
15 to the Secretary of the Interior on behalf of the United  
16 States all right, title, and interest of the District in the  
17 real property described in section 3(b), known as the  
18 Lanham Tree Nursery.

19 SEC. 2. (a) Upon completion of the relocation under sec-  
20 tion 1, as determined by the Architect, the real property de-  
21 scribed in section 3(a), known as the Botanic Garden Green-  
22 house and Nursery at Poplar Point, shall come within the  
23 jurisdiction of the Secretary of the Interior.

24 (b) Within sixty days after the Secretary assumes juris-  
25 diction for such real property under subsection (a), the Secre-

1 tary shall enter into an agreement with the District under  
2 which the District will be authorized to construct, maintain,  
3 and operate certain facilities designed to improve transporta-  
4 tion in the Washington metropolitan area, as determined by  
5 the District, on any real property described in section 3.

6 (c) Within two years after the Secretary assumes juris-  
7 diction for such real property under subsection (a), the Secre-  
8 tary, in consultation and cooperation with the District, shall  
9 develop a land use plan for such portions of any real property  
10 described in section 3 as the District determines are unneces-  
11 sary for transportation improvement purposes.

12 (d) On the date of conveyance of the relocation site  
13 under section 1(b)(2), the United States Capitol Police shall  
14 have such jurisdiction over the relocation site as is provided  
15 under section 1826 of the Revised Statutes (40 U.S.C. 215).

16 SEC. 3. (a) The real property referred to in section  
17 1(b)(1)(A) known as the Botanic Garden Greenhouse and  
18 Nursery at Poplar Point is comprised of the following parcels  
19 of property:

20 (1) A parcel of approximately fourteen and seven-  
21 ty-five one-hundredths acres that was transferred from  
22 the Director of Public Buildings and Public Parks of  
23 the National Capital to the jurisdiction of the United  
24 States Botanic Garden for use as a tree nursery pursu-  
25 ant to the Act of June 26, 1926 (44 Stat. 774).

1           (2) A parcel of approximately seven and eighty-  
2       three one-hundredths acres that was acquired by the  
3       United States Botanic Garden from the Secretary in  
4       1935 in exchange for certain other property under the  
5       provisions of the Act of May 20, 1932 (47 Stat. 161).

6           (3) A parcel of approximately two and eight one-  
7       hundredths acres that is occupied by the Architect pur-  
8       suant to a special use permit issued by the Secretary  
9       on March 10, 1977, to the chairman of the Joint Com-  
10      mittee on the Library.

11       (b) The real property referred to in section 1(b)(3)  
12      known as the Lanham Tree Nursery consists of a parcel of  
13      approximately thirty-four and five-tenths acres that was  
14      transferred from the Director of Public Buildings and Public  
15      Parks of the National Capital to the jurisdiction of the Dis-  
16      trict for use as a tree nursery.

## SECTION-BY-SECTION OUTLINE OF H.R. 4153

The bill allows the Architect of the Capitol to enter into an agreement with the District of Columbia government for the relocation of certain greenhouse and nursery facilities of the United States Botanical Garden from their present location at Poplar Point to an area in the District known as D.C. Village. The bill directs the Secretary of the Interior to permit the D.C. government to construct, maintain and operate transportation improvements on Federal property.

Section 1(a).—Provides that the Architect of the Capitol (Architect), as directed by the Joint Committee on the Library, will enter into an agreement with the D.C. government within one year following enactment of this Act.

(b) Agreement will include the following provisions:

(1)(A) The Architect and the District will determine the relocation site, an area not less than 25 connected acres in Southwest Washington, specifically in D.C. Village. The site will include the D.C. Metropolitan Police Department Canine Facility on Blue Plains Drive along with the office building and parking facility currently occupied by the D.C. Department of Transportation on Shepard Parkway.

(B) Provides that the District will be responsible for all relocation expenses including replacement of the U.S. Botanic Garden's Poplar Point facilities by state of the art facilities as determined by the Architect and the Joint Committee on the Library. Reference is made to Public Law 97-424, more commonly known as the Surface Transportation Assistance Act of 1982 which defines this relocation as Federal Aid Highway project thereby entitling the District to receive 100% of the cost from the Department of Transportation.

(2) Provides the District will give the Architect all right, title and interest in any real property determined as the relocation site.

(3) Provides that the District give its right, title and interest in the Lanham Tree Nursery to the Secretary of the Interior.

Section 2(a).—Provides that the Architect will determine when the relocation is complete. At that time the Botanic Garden Greenhouse and Nursery at Poplar Point will be under the jurisdiction of the Secretary of the Interior.

(b) Provides that the Secretary of the Interior will enter into an agreement with the District authorizing the District to erect facilities at Poplar Point improving transportation in the Washington metropolitan area.

(c) Provides that the Secretary and the District will develop a land use plan for excess land at the Poplar Point site.

(d) Provides that the U.S. Capitol Police shall have jurisdiction over the relocation site.

Sections 3(a)(1)(2)(3).—Describe how the parcels of land to be transferred were acquired by the United States Botanic Garden.

(1) Fourteen and seventy-five one-hundredths acres were transferred to the U.S. Botanic Garden from the Director of Public Buildings and Public Parks of the National Capital pursuant to the Act of June 26, 1926 authorizing the transfer of certain portions of Anacostia Park for use as a tree nursery.

(2) Seven and eighty-three one-hundredths acres were transferred to the U.S. Botanic Garden pursuant to the Act of May 20, 1932 allowing the transfer of jurisdiction between Federal and District authorities administering properties within the District.

(3) Two and eight one-hundredths acres occupied by the Architect pursuant to a special use permit.

(3)(b) Describes the Lanham Tree Nursery, a parcel of thirty-four and five-tenths acres given to the District by the Director of Public Parks of the National Capital.

Mr. FAUNTROY. Will the gentleman from Virginia, Mr. Parris, need to say anything?

Mr. PARRIS. No, I have no remarks at this time. Thank you, Mr. Chairman.

Mr. FAUNTROY. Thank you.

Our first witness is the Architect of the Capitol, Mr. George M. White. Mr. White, we are very pleased to have you testify, and we appreciate the spirit of cooperation which has characterized your participation in the working out of this agreement.

**STATEMENT OF GEORGE M. WHITE, ARCHITECT, THE U.S. CAPITOL, ACCOMPANIED BY BEN C. WIMBERLY, GENERAL COUNSEL, OFFICE OF THE ARCHITECT OF THE CAPITOL**

Mr. WHITE. Thank you, Mr. Chairman.

I have with me Mr. Ben Wimberly, who is the general counsel in our office. He has been working closely with the various parties in order to make our interests known. My administrative assistant, Mr. Bill Raines, is also here with me.

Mr. Chairman, I appreciate the opportunity to appear before the committee today to testify in support of H.R. 4153.

As you know, the Architect of the Capitol is the Acting Director of the Botanic Garden, and has been in that category since 1932. The Botanic Garden has been under the legal jurisdiction of the Joint Committee on the Library and, as a historical circumstance, we have kept the Joint Committee on the Library informed. The chairman of the Joint Committee on the Library alternates in every Congress from the House to the Senate.

At the moment, the chairman is Senator Mathias of the Senate Committee on Rules and Administration, and the vice chairman is Chairman Hawkins of the Committee on House Administration. When the next Congress convenes, those two officers will reverse their positions so that Chairman Hawkins will become the chairman of the Joint Committee on the Library. I mention that to indicate the background circumstances for how the Botanic Garden is governed and controlled and directed.

As you know, WMATA's current plans for construction of the so-called Green Line to Prince George's County will require the relocation of the U.S. Botanic Garden Poplar Point Nursery in Anacostia. This proposal would entail cut and cover construction of the rail line through the nursery grounds, as well as construction of a subway station and parking facility.

These operations would, of course, necessitate the demolition of the nursery's greenhouses and other structures, would interfere with outdoor plantings, the operation of the Capitol Police canine facility which operates a portion of the property, and various storage and other activities carried on at the site.

In about 1976, when I became aware that there would be an eventual need to relocate the Poplar Point Nursery to make way for the Green Line, I established a policy that our office—that is the Architect's Office—should cooperate with WMATA, the District of Columbia government, the National Park Service which has an interest, and other interested agencies to the full extent practicable, consistent with the interests of the Congress and the U.S. Botanic Garden.

At first orally, and then in May 1978, in writing, I communicated to WMATA the minimum requirements that any proposed relocation site would have to meet. Namely, such a site must, one, be located within a 12-mile radius of the Capitol—that, of course, was in order to enable us to go back and forth because the nursery provides not only the trees and shrubs which we plant on Capitol grounds, but also serves the Botanic Garden Conservatory at the base of the hill, and there is daily traffic back and forth, the nursery site being the work area, the conservatory being the display

area for the public—two, that it be accessible from a main highway or a road that is easily traversable by large trucks and equipment; three, be served by readily available electricity, water and sanitary sewer systems; and four, consist of a minimum of 25 acres, which is the size of the present facility.

Over the ensuing years, a number of potential sites located on Federal property were identified by WMATA and recommended to us as suitable relocation sites. A number of these, after careful investigation by my staff, were found to be acceptable. But for various reasons, including delays in commencing construction on the line, they were eventually diverted to other uses.

Most recently, during 1980 and 1981, a 25-acre site known as Camp Simms, located in southeast Washington, was identified as a potentially acceptable relocation site, and considerable effort was expended by WMATA in performing studies to support that conclusion, including feasibility studies involving drainage, usage of existing buildings, transportation, and other master-planning features.

I found Camp Simms to be a particularly attractive alternative because of the many existing structures on the site that could be utilized for storage and other purposes beneficial to the Congress.

However, before any positive action to effect the transfer of Camp Simms could be taken, the District of Columbia government expressed a strong interest in acquiring Camp Simms for local community uses, and offered to provide suitable acreage elsewhere to accommodate our nursery operation. Inasmuch as the public benefit to be derived from the utilization of Camp Simms for the purposes intended by the District government were obvious, we cooperated with the District by relinquishing any claim to Camp Simms in return for an acceptable site that was identified at D.C. Village, and is now the subject of H.R. 4153.

I might add that feasibility studies similar to those performed for Camp Simms are now virtually complete for the D.C. Village site.

Mr. Chairman, I must say that we have been and are quite comfortable with the Poplar Point Nursery at its present location. We have not been the moving parties, as I think is apparent. The overriding public interest in mass transportation is a vital consideration. Therefore, if it becomes necessary for WMATA to commence construction of the Green Line on property under the jurisdiction of the Botanic Garden, I am pleased to report to you that, subject, of course, to the final approval of the Joint Committee on the Library, the proposed relocation site at D.C. Village is suitable for our purposes.

The proposed legislation, as I understand it, will enable the Poplar Point Nursery to be relocated with all of its existing buildings, structures and equipment replaced with state-of-the-art facilities. It will also provide an opportunity to acquire some additional structures to compensate, at least in part, for those lost to the District of Columbia when we relinquish the Camp Simms site.

Mr. Chairman, I wish to thank you for this opportunity to appear before the committee. I shall, of course, be pleased to answer any questions that you may have.

[The prepared statement of Mr. White with attachments follow:]

## STATEMENT OF GEORGE M. WHITE, ARCHITECT OF THE CAPITOL

Mr. Chairman, I appreciate the opportunity to appear before the Committee today to testify on behalf of H.R. 4153, a bill to direct the Architect of the Capitol to enter into an agreement with the District of Columbia Government to relocate certain greenhouse and nursery facilities of the U.S. Botanic Garden, and for other purposes.

As you know, WMATA's current plans for construction of the so-called "Green-line" to Prince George's County will require the relocation of the U.S. Botanic Garden Poplar Point Nursery, in Anacostia. This proposal would entail "cut and cover" construction of the rail-line through the Nursery grounds, as well as construction of a subway station and parking facility. These operations would necessitate the demolition of the Nursery's greenhouses and other structures, would interfere with outdoor plantings, the operation of the Capitol Police canine facility and various storage and other activities carried on at the site.

In approximately 1976 when I became aware that there would be an eventual need to relocate the Poplar Point Nursery to make way for the Green Line, I established the policy that our office should cooperate with WMATA, the District of Columbia Government, the National Park Service and other interested agencies to the fullest extent practicable, consistent with the interests of the Congress and the U.S. Botanic Garden. At first orally, and then in May 1978, in writing, I communicated to WMATA the minimum requirements that any proposed relocation site would have to meet, namely, such a site must:

- (1) Be located within a 12-mile radius of the Capitol;
- (2) Be accessible from a main highway or road that is easily traversable by large trucks and equipment;
- (3) Be served by readily available electricity, water, and sanitary sewer systems; and
- (4) Consist of a minimum of 25 acres (the size of the present facility).

Over the ensuing years, a number of potential sites located on federal property were identified by WMATA and recommended to us as suitable relocation sites. A number of these, after careful investigation by my staff, were found to be acceptable but for various reasons, including delays in commencing construction on the line, were eventually diverted to other uses.

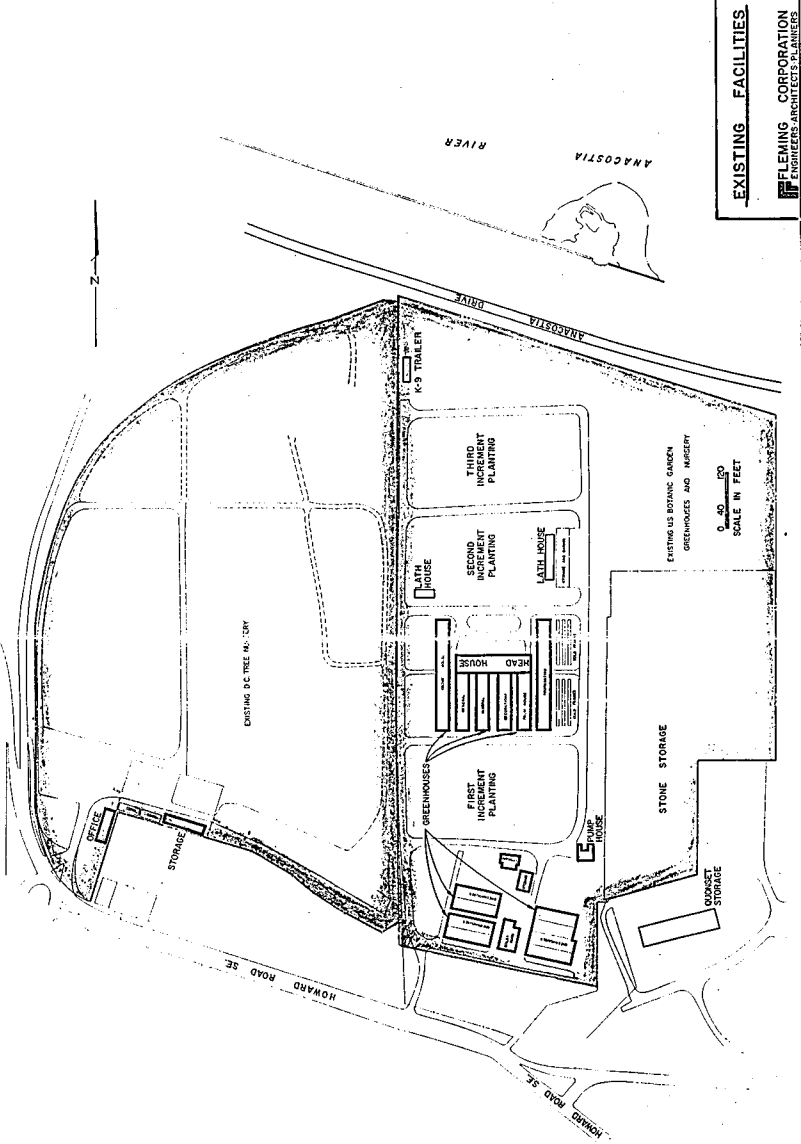
Most recently, during 1980 and 1981, a 25-acre site, known as Camp Simms, located in Southeast Washington, was identified as a potentially acceptable relocation site and considerable effort was expended by WMATA in performing studies to support that conclusion, including feasibility studies involving drainage, usage of existing buildings, transportation, and other master planning features. I found Camp Simms to be a particularly attractive alternative because of the many existing structures on the site that could be utilized for storage and other purposes beneficial to the Congress. However, before any positive action to effect the transfer of Camp Simms could be taken, the District of Columbia Government expressed a strong interest in acquiring Camp Simms for local, community uses and offered to provide suitable acreage elsewhere to accommodate our Nursery operation. Inasmuch as the public benefit to be derived from utilization of Camp Simms for the purposes intended by the District Government were obvious, we cooperated with the District by relinquishing any claim to Camp Simms in return for an acceptable site that was identified at D.C. Village and is now the subject of H.R. 4153. I might add that feasibility studies similar to those performed for Camp Simms are now virtually complete for the D.C. Village site.

Mr. Chairman, I must say that we are quite comfortable with the Poplar Point Nursery at its present location. However, the overriding public interest in mass transportation is a vital consideration. Therefore, if it becomes necessary for WMATA to commence construction of the Green Line on property under the jurisdiction of the U.S. Botanic Garden, I am pleased to report to you that, subject to the approval of the Joint Committee on the Library, the proposed relocation site at D.C. Village will be suitable to our purposes. The proposed legislation, as I understand it, will enable the Poplar Point Nursery to be relocated with all of its existing buildings, structures and equipment replaced with "state of the art" facilities. It will also provide an opportunity to acquire some additional structures to compensate, at least in part, for those lost to the District of Columbia when we relinquished the Camp Simms site.

Mr. Chairman, I wish to again thank you for this opportunity to appear before the Committee and I shall, of course, be pleased to answer any questions you may have.







Mr. FAUNTROY. I thank you, Mr. White. I want to thank you, as I indicated at the outset, for your willingness to cooperate with District of Columbia government and with WMATA, in spite of the changes in direction that we have gone through in recent years.

Let me ask you three questions. The first is, explain to me why you are still Acting Director of the Botanic Garden after 51 years.

Mr. WHITE. I am not sure. I think it is just that we have never gotten around to seeing that that title is changed.

Mr. FAUNTROY. I thought that maybe the job was so onerous that nobody wanted—you couldn't find someone.

Mr. WHITE. No. I think it was originally established that way, Mr. Chairman, because it enabled the government to have an entity operated without any expenditure of additional funds. The payroll goes through our office, all the purchasing, and the rest of those kinds of things which are already in existence in our office apply now to the Botanic Garden, which is a small entity. It is small in terms of the number of people that operate it, but not in terms of the number of visitors. We have several million visitors that go through there every year.

Mr. FAUNTROY. Thank you.

Are there any specific amendments that you would like to propose that we make here?

Mr. WHITE. We thought about that, Mr. Chairman, but I don't think we have any. I think that what is in here, with the legislative history of my testimony, will suffice for our purposes.

Mr. FAUNTROY. You are satisfied, as you indicated, with the proposed site at D.C. Village?

Mr. WHITE. Yes; we have worked closely with the District of Columbia to try to work that out in a satisfactory way, and all of the plans indicate that that will take place to our satisfaction.

Mr. FAUNTROY. Would you elaborate just briefly for me on the state of the art?

Mr. WHITE. The state of the art means, for example, we have 16 greenhouses over there, and we have a heating plant—I will call it, which is a word that maybe ought not apply to what we have there. It is a little building with a furnace in it which supplies heat for the greenhouses. Those greenhouses are relatively old. They are wood. You can't buy wooden greenhouses—I guess you can, but it would be a mistake, it seemed to us, to replace these with something new. Where all of the effort was going to be exerted, we would want modern aluminum greenhouses with the kinds of automatic dampers that they have.

Our position is that we are minding our own business, we are like the individual who owns his home and the highway wants to go through there and they have to replace it. That is sort of where we are. So we don't want to have old greenhouses replaced by somebody buying some of—not that anybody would think of doing this—but we are just protecting the interests of the Government, that they wouldn't buy some used greenhouses somewhere and say that is what you got now and that is what we are going to give you when you move. That is what we meant by state of the art.

Mr. FAUNTROY. So the Botanic Garden and the Office of the Architect will benefit from this?

Mr. WHITE. We will benefit in that sense. There will be some detriment, of course, in the sense that we will be further away than we are at the moment and, therefore, there will be longer distances to travel by the trucks.

When you transplant and move as many plants as we have there, particularly the trees and shrubs that are growing, you lose some of them. It is just in the ordinary course of events. So there will be some detriment to balance it out.

But we hope for some of the benefits, such as those I have described, particularly the opportunity to have some additional buildings. We have talked, for example, about the possibility of moving some of the semi-industrial operations that take place on both the House and Senate side. For example, the print shops that take up a lot of space in the underground garages here south of the Rayburn Building, and that have sort of an industrial operation with forklift trucks and huge loads of paper, and so on, moving in and out. They damage the buildings. There are a lot of real problems with that, because it has grown beyond what anybody thought it would be. That kind of an operation could move out to the new site and have a pick-up station here, for example, so that the bulk of the operation was somewhere else.

I have discussed these kinds of plans with the House Office Building Commission, the Chairman of which is the Speaker, as you know, and the other members, the majority and minority leader. So we have these kinds of plans which we could do at the present site, but this will give us an opportunity now to implement those, we hope.

Mr. FAUNTROY. I thank you.

Mr. Parris.

Mr. PARRIS. Thank you, Mr. Chairman.

If you relocated the printing facilities, Mr. White, would you anticipate that the District of Columbia would bear the expense of the relocation?

Mr. WHITE. No. That would come later. That is not a part of this.

Mr. PARRIS. That would not fall under the auspices of—

Mr. WHITE. No. That would be a separate operation.

We are hoping to have enough structural capacity out there to move them into. But the moves and all of the rest of that would be a separate issue.

Mr. PARRIS. But on the question of moving at the present time, the relocation expense would be the responsibility of the District of Columbia under this legislation, as I understand it; is that correct?

Mr. WHITE. Yes, I believe that is true.

Mr. PARRIS. Do you have any idea what that might entail in terms of dollars, Mr. White? Is there any kind of an estimate?

Mr. WHITE. It is a rather broad estimate I have learned, Mr. Parris, somewhere between \$10 million or \$12 million and \$15 million to \$18 million, where they are really not positive yet.

Mr. PARRIS. Assuming for the sake of argument that it could be done without another 1-year study, assuming that some kind of reasonable estimate could be made, this bill, as I understand it, gives you the responsibility and the authority to determine the state-of-the-art design and construction, which is tantamount, es-

sententially to a blank check, I believe. I don't mean anything ulterior in that comment, Mr. White.

But my question would be: What would your attitude be if we amended this bill in some way to include a cap on the total amount of expenditures, or in some way provided some protection for the District of Columbia?

Mr. WHITE. I wouldn't have any objection to that, provided the cap was enough—

Mr. PARRIS. Reasonable?

Mr. WHITE. Reasonable.

I might say, of course, the Architect of the Capitol sometimes is viewed as an institution in itself, whereas I just work here.

Mr. PARRIS. So do I.

Mr. WHITE. Everything that I do is under somebody's direction; in this case, the Joint Committee on the Library. Obviously, they will ask me for advice and counsel. But the decisions are ultimately with the Congress in the form of its committees and commissions for everything that I do. So I think there is protection for any arbitrariness that I might have.

Mr. PARRIS. I understand, Mr. White. And I reiterate that I do not intend any personal criticism or anything of that nature in this question.

Mr. WHITE. I understand.

Mr. PARRIS. But it just seems to me that it is very big at the moment, which has some objectionable features to it.

To follow up on your last point, Mr. White, the ultimate authority under section 2(a) of this bill, "as determined by the Architect," and "upon completion of the relocation," et cetera, leaves out the consultation with the Joint Committee on the Library or anybody else. You, the Architect of the Capitol, are to determine when this relocation is complete.

Once again, let me make sure the record states that I do not suggest any unreasonable or personal objection to that. But it leaves out any other authority. Is there a reason for that?

Mr. WHITE. No; I thought that, at the beginning of the bill when it describes the Architect of the Capitol, it says "under the direction of the Joint Committee on the Library, shall enter into an agreement"—

Mr. PARRIS. That is section 1. I am reading from section 2(a) of the bill, line 19, page 3.

Mr. WHITE. If you wanted to clarify that, I would have no objection to that. It is merely, I think, an oversight that it wasn't done there. I am acting for the Joint Committee on the Library in all of these matters.

Mr. PARRIS. So if we amended that, you would have no problem with it?

Mr. WHITE. No, not at all, Mr. Parris.

Mr. PARRIS. The Camp Simms site was, for one reason or another, passed over. As I understand it now, we are down to the question of the D.C. Village site.

Mr. WHITE. That is correct.

Mr. PARRIS. And you have determined that to be an adequate site.

In your opinion, Mr. White, is this the best possible relocation site?

Mr. WHITE. It is the best that is available at the moment, yes. Part of the search that has been taking place for the last 7 or 8 years has been for a site that is owned by the Federal Government so that land wouldn't have to be purchased by WMATA or by the funds, wherever they were coming from, to buy more land. So that limits, of course, the number of sites that are available. This is a perfectly good site.

Mr. PARRIS. I understand. My question, Mr. White, is simply this bill is very precise in terms of the properties that we are dealing with.

Mr. WHITE. That is right.

Mr. PARRIS. It is vague in some other aspects, but it is very precise in that regard.

Mr. WHITE. That is correct.

Mr. PARRIS. My question is would you have any serious objection at all if, in some way, the legislation was amended to provide a site suitable for the relocation, suitable to the Architect and the Joint Committee or whomever? I don't mean to rewrite the legislation other than to precisely define the properties we are addressing.

Mr. WHITE. I would have no objection to that. In effect, that would put us back to square one in search for a new site, I guess.

Mr. PARRIS. Not necessarily. If you found the D.C. Village site acceptable, then presumably that would be the site.

Mr. WHITE. Yes.

Mr. PARRIS. But in terms of drawing the legislation, if we came up with 25 acres in the middle at this point, you would not be able to pursue the objectives of this legislation.

Mr. WHITE. That is correct.

You might want to modify it, as you suggest, to perhaps leave it this way and say "or any other site that might be available." I would have no objection to that. That is what we have been doing, in effect.

Mr. PARRIS. I have one final question. This has been jointly referred to the Committee on House Administration. Have you received any indication that they intend to hold hearings or to pursue this legislation at all?

Mr. WHITE. I do not.

Mr. PARRIS. Thank you, Mr. Chairman.

Mr. FAUNTROY. I thank you.

Mr. White, we thank you so very much for your testimony.

Mr. WHITE. Thank you, Mr. Chairman.

Mr. FAUNTROY. Our next witness is the Director of the Office of Planning for the District government, Mr. John H. McKoy, who is testifying on behalf of the Mayor of the District of Columbia, Mayor Marion S. Barry.

Mr. McKoy, we are very happy to have you come and testify for the first time before our committee. We want to congratulate you upon your assumption of your very important post in the District government, and we look forward to your testimony at this time.

**STATEMENT OF JOHN H. MCKOY, DIRECTOR, OFFICE OF PLANNING, GOVERNMENT OF THE DISTRICT OF COLUMBIA, ACCOMPANIED BY RAYMOND SKINNER, CHIEF, AREA PLANNING SECTION, OFFICE OF PLANNING, GOVERNMENT OF THE DISTRICT OF COLUMBIA; AND JOHN E. MOORE, COMMUNITY PLANNER, WARD 8, DISTRICT OF COLUMBIA**

Mr. McKoy. Thank you very much, Mr. Chairman.

Mr. Chairman, first, for the record, my name is John H. McKoy, Director of the Office of Planning for the District of Columbia government.

I would like to thank and congratulate both the Park Service and the Architect of the Capitol for working with the District of Columbia government. I think one other partner in this endeavor is the community, mostly the ward 8 community, that has worked diligently with their representative on the City Council, Mrs. Rolark, to bring about a solution to what has been a difficult problem.

I am here this morning to testify in support of H.R. 4153. As you know, the bill would direct the Architect of the Capitol to enter into an agreement with the District of Columbia government to relocate the greenhouse and nursery facilities of the U.S. Botanic Garden, and also direct the Secretary of the Interior to permit the District to construct and operate certain transportation facilities on Federal property.

Enactment of this legislation would allow the District to move forward with construction of a parking garage with connecting access ramps from Interstate 295, the Anacostia Freeway, on the site currently occupied by the Architect's Tree Nursery. The parking facility will be used to provide parking for the Anacostia Metro Rail station to be built on a portion of the same property. The parking structure will be an integral part of the station complex and would allow commuters to drive to the Anacostia station, park, and then take the Metro to their final destination.

The Anacostia station will serve both commuter traffic coming in from Maryland and Virginia and local residents from nearby residential areas. Two entrances are planned. I think you have a map in your packet. The one connected to the parking structure is intended for use by commuters, and direct access from the freeway will be provided. The other will provide convenient access for walk-in patrons from nearby neighborhoods.

The need for the Anacostia station is critical. It would serve neighborhoods east of the Anacostia River, which are the most transit dependent and, in a sense, transit deprived, in this District. These neighborhoods are also areas of high unemployment. Metro service would provide fast, convenient, and efficient access to employment opportunities, not only downtown, but throughout the entire regional area served by the system.

The legislation before you this morning is the result, as you know, of several years of working closely with the Architect and his staff—and as I mentioned, the Park Service—to come up with a suitable relocation site. After reviewing several alternatives, the only site found suitable—other than, as Mr. White indicated, the Camp Simms site—was the D.C. Village site indicated in this bill.

After the Architect is moved, and the property comes under the jurisdiction of the Secretary of the Interior, the city will enter into an agreement with the Secretary to build and operate the parking facility. A similar agreement will be structured between the Secretary and WMATA for construction and operation of the Metro station. We have had numerous discussions with staff of the National Park Service concerning this arrangement, and they are fully supportive of the proposals before you.

Once the garage and station facilities are completed, it is anticipated that there will be excess land not needed for transportation purposes. This land can be used to expand the Anacostia Park, which is part of the National Capital Park System maintained by the Park Service. At the same time, we anticipate that suitable land will be made available by the Park Service in the vicinity of Oxon Cove, which is below the D.C. Village area, for relocation of the District's Lanham Tree Nursery, which now sits at Poplar Point.

Mr. Chairman, we feel that it is essential that we proceed with relocation of the Architect of the Capitol's tree nursery at this time, even though the current situation with regard to Metro construction is unsettled. While the court injunction prohibiting Metro construction does cover the Anacostia station, the ultimate terminus of the Metro alignment in Prince George's County will not affect this location. The site of the Anacostia station is fixed and has long been agreed to by the WMATA Board, the District government, and citizens in the area. Once the alignment leaves the Anacostia station, it can go to either Rosecroft or Branch Avenue.

Because of the long leadtime required to relocate the Architect, it could take as long as 2 years. We would like to be in a position to proceed with station-related activities as soon as the injunction is lifted. Therefore, we feel it is necessary to move with this legislation at this time so that the Architect's relocation does not become an obstacle once the injunction is lifted.

I would just like to reiterate that the District sees this as a critical need for this facility to improve transportation services for not only District residents, but for residents of other jurisdictions who would use the parking and Metro facilities. Passage of this bill would be the first step toward making these services available.

Again, I would like to thank you, Mr. Chairman, for the opportunity to appear before you, and I would be happy to answer any questions.

[The prepared statement of Mr. McKoy follows:]

PREPARED STATEMENT OF JOHN H. MCKOY, DIRECTOR, OFFICE OF PLANNING

Good morning Mr. Chairman and members of the Subcommittee on Fiscal Affairs and Health. My name is John H. McKoy and I am the Director of the Office of Planning for the District of Columbia government. It gives me great pleasure to appear before you this morning to testify in support of H.R. 4153. This bill would direct the Architect of the Capitol to enter into an agreement with the District of Columbia government to relocate greenhouse and nursery facilities of the U.S. Botanic Gardens and also direct the Secretary of the Interior to permit the District to construct and operate certain transportation facilities on Federal property.

Enactment of this legislation would allow the District to move forward with construction of a parking garage with connecting access ramps from Interstate 295, the Anacostia Freeway, on the site currently occupied by the Architect's tree nursery. The parking facility will be used to provide parking for the Anacostia Metrorail station to be built on a portion of the same property. The parking structure will be an

integral part of the station complex and would allow commuters to drive to the Anacostia station, park, and take the Metro to their final destination.

The Anacostia station will serve both commuter traffic coming in from Maryland and Virginia and local residents from nearby residential areas. Two entrances are planned. The one connected to the parking structure is intended for use by commuters and direct access from the freeway will be provided. The other will provide convenient access for walk-in patrons from nearby neighborhoods.

The need for the Anacostia station is critical. It would serve neighborhoods east of the Anacostia River which are the most transit dependent in the District. These neighborhoods are also areas of high unemployment. Metro service would provide fast, convenient, and efficient access to employment opportunities not only in downtown, but throughout the entire regional area served by the system.

The legislation before you this morning is the result of several years of working closely with the Architect and his staff to come up with a suitable relocation site. After reviewing several alternatives, the only site found suitable and acceptable to the Architect is the D.C. Village location described in the bill.

After the Architect is moved, and the property comes under the jurisdiction of the Secretary of the Interior, the city will enter into an agreement with the Secretary to build and operate the parking facility. A similar agreement will be structured between the Secretary and the Washington Metropolitan Area Transit Authority [WMATA] for construction and operation of the Metro station. We have had numerous discussions with staff of the National Park Service concerning this agreement and they are fully supportive of the proposals embodied in this bill.

Once the parking garage and station facilities are completed it is anticipated that there will be excess land not needed for transportation purposes. This land can be used to expand the Anacostia Park, which is part of the National Capital Park System maintained by the Park Service. At the same time we anticipate that suitable land will be made available by the Park Service in the vicinity of Oxon Cove for relocation of the District's Lanham tree nursery.

Mr. Chairman, we feel that it is essential that we proceed with relocation of the Architect of the Capitol's tree nursery at this time even though the current situation with regard to Metro construction is unsettled. While the court injunction prohibiting Metro construction does cover the Anacostia station, the ultimate terminus of the Metro alignment in Prince Georges County will not affect its location. The site of the Anacostia station is fixed and has long been agreed to by the WMATA board, the District government, and citizens in the area. Once the alignment leaves the Anacostia station it can go to either Rosecroft or Branch Avenue. Because of the long lead time required to relocate the Architect, it could take 2 years; we want to be in a position to proceed with station related activities as soon as the injunction is lifted. Therefore, we feel it necessary to move forward with this legislation at this time so that the Architect's relocation does not become an obstacle once the court injunction is lifted.

I would just like to reiterate what the District sees as the critical need for this facility to improve transportation services for not only District residents, but residents from other jurisdictions who would use the parking and Metro facilities. Passage of this bill would be the first step toward making these services available.

Mr. Chairman, I would like to thank you for this opportunity to appear before you this morning, and I would be happy to answer any questions.

Mr. FAUNTROY. I thank you, Mr. McKoy.

We are going to enter into a 7-minute recess to give members the opportunity to vote and return to the committee.

[Recess.]

Mr. FAUNTROY. The committee hearing will resume.

Mr. McKoy, I just have a couple of questions. First, what sort of problems would be created in constructing the Anacostia section of the Metro Rail if the land at Poplar Point were not available?

Mr. McKoy. Mr. Chairman, we believe that very serious problems would ensue. We have looked, as Mr. White testified, for several years for a relocation site, because if this were not available, we would be back to ground zero in terms of locating a line across the river. This is really the only area, given the current alignment, that is available. If it were for any reason not available, we would be back to ground zero.



Mr. FAUNTROY. How many parking spaces would be planned for the Anacostia station?

Mr. McKoy. Right now, based on WMATA's estimates of patronage, about 1,200 spaces are planned, 800 in structure and 400 on surface.

Mr. FAUNTROY. Are there any amendments which the Mayor would like to propose to H.R. 4153?

Mr. McKoy. Yes, Mr. Chairman, I believe there are three minor amendments.

One and two are basically the same. In section 3(a), page 4, line 22, after the phrase "Nursery at Poplar Point," we would like to insert, "which is in Anacostia Park," and make the same insertion in section 3(b), page 5, line 15, after "Lanham Tree Nursery," add the same phrase, "which is Anacostia Park."

The purpose of this would be to further clarify the location of the two tree nurseries, and make it absolutely clear what property we are dealing with.

The third change would be to, in section 1(b), page 3, line 4, strike the long sentence which begins, "The relocation of the project shall \* \* \*". The purpose for this amendment would be that we feel the sentence, as now structured, is really an unnecessary additional identification of another bill, and it is not necessary for H.R. 4153 to have this identification.

Those are the only three amendments we would suggest.

Mr. FAUNTROY. All right. I understand the first two in terms of specificity and clarity—of which Lanham Tree Nursery and Poplar Point—that we are talking about the ones in Anacostia Park.

Mr. McKoy. Right.

Mr. FAUNTROY. But run by me again the need to strike the sentence beginning "The relocation project shall \* \* \*".

Mr. McKoy. Yes. "The relocation project shall" then goes on to specifically identify Public Law 97-424. We feel that it is unnecessary to put that specificity in this bill, that the purpose of the sentence has already been served, and that that level of specificity is just unnecessary for the legislation.

Mr. FAUNTROY. All right.

Mr. Parris, do you have questions of the witness?

Mr. PARRIS. Thank you, Mr. Chairman.

Let me extend my appreciation to you for recessing the hearing for a moment, and to apologize to the witnesses for being absent temporarily.

I have several very brief questions. As I understand it, any of the property currently under consideration, if it were not used for transportation, would be available for Anacostia Park purposes and would be folded into that park facility.

Mr. McKoy. That is right. And we would have an agreement to develop a joint plan with the Department of the Interior or the Park Service for reuse.

Mr. PARRIS. You gentlemen were present, I think, when I asked Mr. White several questions regarding his testimony. One of them was would you have any objection to being a little more precise about some kind of a reasonable estimate of the cost here, with the understanding, obviously, that the District of Columbia is the one who is paying the bill.

Do you have any problem with that if the committee saw fit to do so?

Mr. McKoy. At this point, we have very preliminary cost estimates of three options—roughly, \$10 million, \$14 million and \$18 million. The differences depend on the sort of surface that would be put on the road, the number of warehouses that would be provided, the amount of planning space.

But I would rather not be specific in the legislation, for the main purpose right now we don't have a fixed estimate. Obviously, from the District's point of view, as long as we can satisfy the Architect, we would like to spend as little money as possible—as long as he is satisfied.

Mr. PARRIS. Mr. McKoy, isn't that the issue?

This sounds critical of the Architect, and I don't mean it in that sense. These buildings are not made out of clay—they are marble. That is the way the Architect thinks. Perhaps, in terms of the Nation's Capitol, that is maybe the way he ought to think. But they are high-dollar tickets.

My question is assuming, for the sake of argument, that the state of the art means something different to the Architect than it means to you, wouldn't there be some benefit by a price not to exceed?

Mr. McKoy. If a reasonable—and I use that word advisedly—cap could be established, and it was clear that the Architect's needs could be satisfied and he was clear on that, yes. I just don't know if we can establish that.

Mr. PARRIS. It just seems to me as a matter of general principle that it might be desirable to have a little closer meeting of the minds in terms of road surfaces and the style of buildings, or whatever. That is your business, not mine.

By the same token, it is a matter of fundamental consideration of this legislation, it seems to me.

Mr. McKoy. Mr. Parris, by the time we agree on price, I am sure we will have hassled over every stone that would be placed in that facility.

Mr. PARRIS. I have just one final question. That has to do, as the chairman has indicated, with your third amendment to section 1(b), striking out the Federal-aid highway project.

As I understood it, one of the purposes of that provision is to designate a source from which the funds would be obtained.

Mr. McKoy. Correct.

Mr. PARRIS. Am I correct in my understanding that a Federal-aid highway project is a 90-10 Federal involvement?

Mr. McKoy. That is right.

Mr. PARRIS. So the relocation costs would be 90 percent Federal, if you will, under that provision. If we struck that provision, what would happen?

Mr. McKoy. My understanding of the act which is referred is that it is 100 percent, and that it was—

Mr. PARRIS. One hundred percent of what?

Mr. McKoy. One hundred percent, not 90-10.

Mr. PARRIS. So 100 percent of the moneys would come from the D.C. government

Mr. McKoy. From the Federal Government through the District.

Mr. PARRIS. But from a separate account that is Federal-aid highway moneys? What was the purpose of that provision in the first place? I guess that is what I am asking.

Mr. McKoy. The purpose was to identify the source, as you indicated.

The objection is that we feel we can identify the source and the source can be clearly identified in the legislative report and doesn't have to be in the legislation itself.

Mr. PARRIS. In the body of the legislation itself.

Mr. McKoy. Right. It is not that we don't want the source identified, it is that we feel it would be more appropriate—it is just unnecessary in the legislation that can be clearly identified in the legislative report.

Mr. PARRIS. And presumably the source would be the same; is that correct?

Mr. McKoy. I am sorry?

Mr. PARRIS. Presumably, the source would continue to be the same?

Mr. McKoy. The source would be the same. And the reason that it is not 90-10 and it is 100 is because it is in a Federal park.

Mr. PARRIS. Thank you, Mr. Chairman.

Mr. FAUNTROY. I thank you, Mr. McKoy.

Mr. McKoy. Thank you very much, Mr. Chairman.

Mr. FAUNTROY. The Chairman of the City Council, Hon. David Clarke has sent a letter, which we will enter into the record at this time, as much as he is not able to appear personally to state the support of the City Council and its Chairman for the passage of both H.R. 3700 and H.R. 4153.

[The letter from Mr. Clarke follows:]

COUNCIL OF THE DISTRICT OF COLUMBIA,  
Washington, DC, October 24, 1983.

HON. WALTER E. FAUNTROY,  
Chairman, Subcommittee on Fiscal Affairs and Health, Committee on the District of Columbia, Washington, DC.

DEAR CHAIRMAN FAUNTROY: Thank you for the invitation to appear before the Subcommittee on Fiscal Affairs and Health to present testimony on H.R. 3700 and H.R. 3707. I regret that I will be unable to attend the hearing as I am scheduled to chair a meeting of the Council of the District of Columbia.

I would, however, like to offer the following personal comments pertaining to the two bills before your committee.

H.R. 3700 directs the Architect of the Capitol to enter into an agreement with the District of Columbia government to relocate certain greenhouse and nursery facilities of the U.S. Botanical Gardens to an appropriate site at the D.C. Village. In return, the U.S. government will authorize the District of Columbia government to construct, maintain, and operate in Anacostia Park certain facilities designed to improve transportation in the Washington metropolitan area. The federal property consists of approximately 25 acres currently occupied by the U.S. Botanical Gardens at Poplar Point in the southeast sector of the District of Columbia. The bill will allow the Washington Metropolitan Transit Authority to construct the Anacostia bus interchange and parking garage as well as the Anacostia Metro station on this site. The parking garage and the interchange facility will be eligible for one hundred percent federal financing—through Interstate Highway Funds—because they are to be built on federal property. H.R. 3700 meets both the needs of the District of Columbia government and the Architect of the U.S. Capitol and will result in improved mass transportation for the metropolitan region. It will directly benefit residents of Anacostia for whom a Metro subway station will be constructed as part of the proposed Green Line. I am therefore in favor of this measure.

H.R. 3707 seeks to transfer title of the District of Columbia Employment Security Building and the land on which it is situated from the U.S. government to the District of Columbia government.

The building was constructed in 1964 by the General Services Administration after the District transferred the land for the building at no cost to the federal government. The land was transferred to the U.S. government because federal buildings could not be constructed on non-federal property. The building construction has been financed through a 20 year promissory note with the Kansas City Life Insurance Company. Until 1973, the U.S. Department of Labor paid the \$28,333.88 monthly mortgage on this facility. The District's Department of Manpower and the D.C. Unemployment Compensation Board assumed responsibility for paying the monthly mortgage payments on this property in lieu of renting it from the U.S. Department of Labor effective with the adoption of the "House Rule" act. The administrative arrangements for financing the facility suggest that the District would amortize the mortgage and subsequently receive clear title to the building. The bill before the committee conveys title of the building to the District. This is appropriate in as much as the District has essentially paid the financing on the facility.

Sincerely,

DAVID A. CLARKE, *Chairman.*

Mr. PARRIS. Mr. Chairman, might I make just a very brief comment before you recess the subcommittee, please, sir?

Just prior to leaving the hearing a moment ago, I filed on behalf of myself and Mr. Bliley a letter requesting the chairman of the subcommittee to have additional testimony in regard to this legislation for what we certainly think are good and adequate reasons.

The first being—and I will be very brief in my remarks, Mr. Chairman, with the request, and if I might submit this full statement for the record—the bill currently provides that the Secretary of the Interior shall transfer this property, and directs that he shall do so, and whatever. The question, it seems to me, is a perfectly legitimate one, what does he think about that kind of a directive? What is going to be the position of the Department?

He is also directed to develop a land-use plan. The bill gives the ultimate authority for determining how much land is necessary for the District.

Finally, it is no secret, Mr. Chairman, as you have indicated earlier, that the court case in regard to the Green Line is under litigation. It seems to Mr. Bliley and myself that it would certainly be advisable to have the executive director of Metro give us some indication of what might or might not be required, in their opinion, in terms of this legislation prior to the ultimate and presumably final disposition of that property in this legislation.

So, with those questions in mind, Mr. Chairman, we have respectfully requested that the hearing be continued for the purposes of having the appropriate witnesses from those areas or agencies. I would certainly hope that we could do so in an expeditious time.

Mr. FAUNTROY. The committee will be in recess.

[Whereupon, at 10:40 a.m., the subcommittee proceeded to other business.]

## H.R. 4153—TO RELOCATE THE ARCHITECT'S TREE NURSERY

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THURSDAY, MARCH 15, 1984

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH,  
COMMITTEE ON THE DISTRICT OF COLUMBIA,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 9:50 a.m., in room 1310, Longworth House Office Building, Hon. Walter E. Fauntroy (chairman of the subcommittee) presiding.

Present: Delegate Fauntroy and Representative Parris.

Staff present: Johnny Barnes, staff counsel; John Gnorski, minority staff director; Bill Carey, assistant minority staff director; Eric Becker, Ron Hamm, and Bobby Pollard, minority staff assistants.

Mr. FAUNTROY. The subcommittee will come to order.

Today we are continuing hearings on H.R. 4153, a bill which directs the Architect of the Capitol to enter into an agreement with the District of Columbia government to relocate the Architect's tree nursery.

It further directs the Secretary of the Interior to permit the District to construct and operate certain transportation improvements on Federal property.

At our first hearing held October 25, 1983, we heard from Mr. George White, Architect of the Capitol, and representatives from the city government.

During the course of that hearing, our colleagues, Mr. Parris and Mr. Bliley, requested that we seek the views, for the record, of two additional interested and affected organizations, the Department of the Interior and the Washington Metropolitan Area Transit Authority.

Their views are reflected in letters from Mr. Russell E. Dickenson, Director of the National Park Service of the Department of the Interior, and Mrs. Carmen Turner, general manager of WMATA.

Copies of the letters are in each of the member's folders, and without objection, I would like to insert them into the record.

[The information follows:]



# United States Department of the Interior

NATIONAL PARK SERVICE  
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

L30(NCR-LUCE)

DEC 16 1983

Honorable Walter E. Fauntroy  
U.S. House of Representatives  
Room 1310, Longworth House  
Office Building  
Washington, D.C. 20515

Dear Mr. Fauntroy:

Thank you for providing us with the opportunity to review the proposed legislation for the relocation for the Architect of the Capitol, which is presently before the Subcommittee on Fiscal Affairs and Health of the District of Columbia.

We have reviewed the revised draft of H.R. 3700, dated October 19, 1983, and find the language of the bill consistent with our discussions and agreements with the District of Columbia, the Architect of the Capitol, the Washington Metropolitan Area Transit Authority, and the Anacostia community.

As you are aware, the bill would provide for a transfer of lands to the Secretary of the Interior in the vicinity of the proposed subway stop in Anacostia Park upon relocation of the Architect of the Capitol's Botanic Gardens Nursery and the District of Columbia's Lanham Tree Nursery, comprising approximately 60 acres. This bill, in addition to the Metro station and parking garage, will provide for a permanent access road and a temporary surface parking area of approximately 500 spaces.

Based on our agreement, upon completion of the Green Line into Prince George's County, the National Park Service is to reevaluate the temporary parking facilities through the land use plan as specified under Section 2(c). At the time of this agreement it was anticipated that the Anacostia Metro Station would be utilized as a temporary terminal station for a period of several years until construction of the line could be completed, either to Branch Avenue or to Rosecroft. The uncertainties of the pending litigation before the courts on the construction of the Green Line, now make the two-year planning deadline unrealistic.

Sections 2(b) and 2(c) of this bill require that the Secretary, after determination of transportation improvements and within two years of enactment, will develop a land use plan for that portion of the property which is not needed for transit purposes.

The District of Columbia and the National Park Service have worked very

closely with the Anacostia community to develop the Anacostia Metro Station in a manner that would be compatible with the needs of the city and reduce automobile congestion to an absolute minimum. In this regard we suggest that Sections 2(b) and 2(c) be modified to allow the Secretary the flexibility of working jointly with the community and the District of Columbia to determine the best land use for this area within a time frame related to the completion of the Metro station.

We have enclosed, for your consideration, suggested modifications to Sections 2(b) and 2(c) of the revised draft bill to allow for this flexibility.

Sincerely,

*Russell E. Dickerson*

Director

Enclosure

18. (b) Within 60 days after the Secretary assumes jurisdiction  
19. for such real property under subsection (a), the Secretary shall  
20. enter into an agreement with the District under which the  
21. District will be authorized to construct, maintain, and operate  
22. certain facilities designed to improve transportation in the  
23. Washington metropolitan area, as jointly determined by the  
24. Secretary and the District, on any real property described in  
25. section 3.

1. (c) Upon the Secretary assuming jurisdiction for such real  
2. property under subsection (a), the Secretary, in consultation  
3. and cooperation with the District, shall develop a land use  
4. plan for such portions of any real property described in  
5. section 3 as the Secretary and the District jointly determine  
6. are unnecessary for transportation improvement purposes.





# Washington Metropolitan Area Transit Authority

600 Fifth Street, N.W., Washington, D.C. 20001  
(202) 637-1234



Honorable Walter E. Fauntroy  
Chairman  
Subcommittee on Fiscal Affairs and Health  
Committee on the District of Columbia  
U. S. House of Representatives  
Washington, D. C. 20515

Dear Mr. Chairman:

Thank you for providing us the opportunity to comment on H.R. 4153, legislation authorizing the Architect of the Capitol to relocate certain greenhouse and nursery facilities from Poplar Point and directing the Secretary of the Interior to permit the District of Columbia to construct, maintain and operate certain transportation improvements on that property.

As you know, H.R. 4153 would authorize the transfer of certain lands in the vicinity of the planned Anacostia Metrorail Station to the Department of the Interior. It would permit construction of the Anacostia Metro Station, the permanent parking garage, temporary surface parking facilities, and the necessary access roadway. The terms of the legislation are in accord with the needs of the Washington Metropolitan Area Transit Authority for construction of the Metrorail "F" Route.

It is most important that WMATA initiate construction on the "F" Route through Anacostia as soon as possible. This project has been delayed for two years due to a court injunction. That injunction has now been modified to permit us to move ahead with necessary actions preliminary to construction. One of these essential steps is passage of this legislation, which would clear the way for construction.

We appreciate the Committee's interest and support in this matter.

Sincerely,

*Carmen E. Turner*  
Carmen E. Turner  
General Manager

Mr. FAUNTROY. H.R. 4153 is the product of extended discussions and negotiations between the city and the Architect's office. It is needed so that the District can initiate construction of a parking facility which will be used in conjunction with the planned Anacostia Metrorail station and development, finally, of the Green Line.

The parking facility would be constructed on the site currently occupied by the Architect at Poplar Point and would have access ramps from the Anacostia Freeway. The two maps in each member's folders depict the existing and proposed facilities. Arrangements have been made to relocate the Architect's tree nursery from Poplar Point to a site suitable to the Architect at D.C. Village.

While there is a critical need to provide Metrorail service to the most rapid transportation dependent of our citizens, those residing in Anacostia, it should not escape our attention that, like other lines, the Green Line will service Maryland and Virginia commuters as well.

This legislation was delayed in part because of a Federal injunction prohibiting WMATA from undertaking certain Metro construction, including the Anacostia station.

I was pleased to learn that last week on March 7 the judge hearing the case signed an agreement which settles the controversy and allows WMATA now to proceed. It will take some time to relocate the Architect, so it is important that we move this legislation to avoid further undue and costly delays.

It is the Chair's intention to call a meeting of the subcommittee for markup just prior to the full committee meeting, at which time we will consider certain amendments, not the least of which is an amendment in the nature of a substitute which is to be offered by our colleague, Mr. Parris.

I yield now to my colleague, Mr. Parris, for comments he would like to make at this point.

Mr. PARRIS. Thank you, Mr. Chairman. Do you anticipate any testimony this morning?

Mr. FAUNTROY. I was going to call to see if there are. We do have for the written record both letters from the Department of the Interior and from the Washington Metropolitan Area Transit Authority.

Mr. PARRIS. Let me in that instance just very quickly briefly summarize where we are coming from on this issue and ask unanimous consent that the substitute amendment in the nature of a substitute be admitted into the record.

Mr. FAUNTROY. Without objection.

[The information follows:]

#### AMENDMENTS TO H.R. 4153

1. Section 3(a), Page 4, line 22, after Nursery at Poplar Point add the phrase: "which is in Anacostia Park"

2. Section 3(b), Page 5, line 15, after Lanham Tree Nursery add the phrase: "which is in Anacostia Park"

3. Section 1(b)(1)(B), Page 3, line 4, strike the sentence beginning with "The relocation project shall. . . ."

Mr. PARRIS. Mr. Chairman, I am sure in all candor I should indicate I am here on purpose and because I am one of those who feels

strongly about this bill. This legislation would authorize this committee to relocate a greenhouse and to reconstruct and redesign under the state-of-the-art a facility for the Architect of the Capitol, to be paid for by the District of Columbia at 100 percent of Federal funding.

I take it the money is out of highway funds. At the previous hearing in October, I asked the question as to what is this greenhouse going to cost. The best estimate we could get, and that was a guess, not a professionally designed cost estimate, certainly, but I don't mean given in bad faith. I am sure it was a rough estimate. It was \$18 million. Yet this legislation contains no cap of any kind on expense.

The substitute that we have prepared I think is a giant step forward in the solution of this problem. It would reduce the time-frame from 1 year to 90 days under which the Architect of the Capitol and the District of Columbia shall enter into an agreement consistent with the bill's purpose.

It requires that the Architect allow entry into the facility itself, which they are now hesitant to do without a direction from the Congress; that access would be required within 10 days.

In addition, there are a number of shortcomings in the initial bill which I think must be addressed by this committee, Mr. Chairman. The Architect of the Capitol, under the proposed bill, is the sole authority for determining the extent and cost of the relocation with the District of Columbia footing the bill. The city, since it is using Federal aid, 100-percent Federal aid highway funds for the cost, doesn't care. What does it care what the facility costs? It is not their money; they are not building it. The Architect of the Capitol has a blank check. There is absolutely no limitation as to the extent of the type of facilities that can be included nor of the total cost itself.

The amendment in the nature of a substitute would delete—and I think very much clarify—the two items of jurisdiction with respect to committees of this Congress. As to the relocation I submit to you, Mr. Chairman, that the Public Works Committee could, in fact, were it so inclined to do so, determine that an authorization under the jurisdiction of the Public Buildings and Grounds Subcommittee, could be made available for this purpose assuming that it is justified and required.

The Public Works Committee could, as is its responsibility, report an authorization to provide for the accomplishment of that purpose. That would do a number of things, Mr. Chairman.

It would save the District of Columbia \$18 million, which is not a matter of insignificance.

Mr. FAUNTROY. You are so concerned about the District. I appreciate that.

Mr. PARRIS. Thank you, sir.

The \$18 million would be available for the construction of highway facilities of one kind or another. I have no interest whether it is a Whitehurst Freeway, a new bridge, whatever. Certainly, I think the District of Columbia transportation system could be enhanced by the availability of that money. It would, in fact, eliminate the question of whether or not this subcommittee and the Dis-

trict of Columbia Committee should be, in fact, authorizing the construction of a capital facility.

That is a matter of some concern, I might suggest, Mr. Chairman, by some of the other committees on the Hill.

I am very troubled by the fact that we are considering in the District of Columbia Committee authorizing an expenditure of Federal aid highway funds when we have not even determined the amount thereof.

I will not go on at length, Mr. Chairman, but there are a number of questions which I had hoped to address to the members of Metro. That is why we asked in October that Metro come up and give us the benefit of their thoughts on this.

I understand the injunction. The only thing that has been responsive to those questions, Mr. Chairman, was a letter which interestingly carries no date, from Mrs. Turner, who says vaguely that Metro supports this bill.

I think that is not the kind of response that I had in mind, Mr. Chairman.

I would be very much interested in knowing if Metro needs to do onsite design and surveying work pending the relocation of the greenhouse and nursery? Is the location of the proposed station consonant with the recent court order on the Green Line?

How did the court order affect the alignment of the Green Line, if at all? Can we be provided at least a summary of that court order for the benefit of this subcommittee to hopefully make an intelligent decision on this issue?

Is it not possible to relocate the greenhouse and nursery elsewhere on a 25-acre tract without disturbing the Metro operations? Certainly a 500-car parking lot and a station can be accommodated on 25 acres. If the greenhouse and nursery, and so forth, which is not a terribly objectionable facility, not like a slaughterhouse or a sewage treatment plant, if all these purposes can be accommodated on one tract, why not?

These are the kinds of issues that need to be addressed by this subcommittee before we precipitously write a blank check for the reconstruction of another greenhouse out of highway funds.

For those reasons, Mr. Chairman, I appreciate the opportunity to address these issues to the subcommittee and to the full committee in the hopes that perhaps some of our frustrations about the inadequacy of the material available to us can be corrected.

Mr. FAUNTROY. Well, the gentleman will be comforted to know, first of all, that several of the questions you raised were answered in the hearings held on October 25, 1983, and that the Chair would be very pleased to tender any questions which you feel were not answered to the Department of the Interior or to the Washington Metropolitan Area Transit Authority.

If written answers are not adequate, I would have no problem asking them to come up to elucidate further on the written word. Second, the gentleman will be comforted to know that the amendment which you intend to offer was one on which we had consulted with the District government, reached an agreement, consulted with the minority staff and reached an agreement to include, among those which would be offered and hopefully approved at the

markup today, namely the suggestion that the relocation project be deemed a Federal-aid-highway project.

We were about to move, as you see from our folder, to strike that language and satisfy the gentleman's concern.

I am interested in the constructive alternative that you offer for funding. It is for that reason that I do want to have an opportunity to study it and afford the committee an opportunity to act in the alternative once we move to strike the section 1(d) on page 3 beginning with line 3.

Mr. PARRIS. Will the gentleman yield?

Mr. FAUNTROY. Yes.

Mr. PARRIS. Do I understand, Mr. Chairman, that amendment would strike the section providing for the use of highway funds for that purpose?

Mr. FAUNTROY. That is precisely what we recommended.

Mr. PARRIS. I commend the chairman for that amendment.

Mr. FAUNTROY. I appreciate that.

Mr. PARRIS. In all candor, I would submit to you that just as you spoke was the first time I was ever informed that the amendment was to be offered. I apologize for that.

Mr. FAUNTROY. Yes, it is. We have been working on this for several months, but I think the gentleman's concerns are real. It is for that reason that we responded to them in advance on that question, but the alternative is one which I think is worthy of our serious consideration as well.

Mr. PARRIS. Will the gentleman yield?

Mr. FAUNTROY. I would be happy to yield.

Mr. PARRIS. Mr. Chairman, on your observation "we have been working on this for months," I would bring to your notice the fact we had a hearing in October. Up until 30 seconds ago I was uninformed, nor has any member of my staff suggested to me highway funding was going to be altered in any way.

When I sat down at this table this morning, it was my understanding that the highway funding was the source of the funds.

Now that is part of my frustration, Mr. Chairman.

Second—

Mr. FAUNTROY. Part of mine too. Who shall we talk to?

Mr. PARRIS. Why don't we try a staff person? Why don't we use the telephone, Mr. Chairman? Why doesn't somebody call and say, hey, there is a change in this legislation.

Mr. FAUNTROY. Your staff director did not tell you that we had agreed to include in the member's folder a specific amendment to strike this section? You were not told that?

Mr. PARRIS. No, sir. When was that agreement made?

Mr. FAUNTROY. Ask your staff.

Mr. PARRIS. It wasn't made, Mr. Chairman.

Mr. FAUNTROY. They haven't read the language? Are you surprised—is your staff as surprised that I had agreed to what you have offered here today in advance and that it is in the folder?

Mr. PARRIS. Mr. Chairman, if you could give us one moment.

Mr. FAUNTROY. Please.

Mr. PARRIS. Mr. Chairman, I am informed by the minority counsel, and I had previously been informed by a member of my staff in the office that in the telephone conversation yesterday Mr. Barnes

from the majority staff asked if we had prepared and whether we were comfortable with, I gather the two amendments requested by the Interior Department and the city dealing with the question of joint negotiation of an alternative use in the future, and so forth.

The answer, of course, was that we were.

The bottom line is that when in fact you take the amendments which are now proposed to the bill in section 3(a), page 4, and section (3)(b), page 5, and read them by inserting "which is in Anacostia Park", the Federal highway funds, I am told by minority counsel, would in fact still be authorized under that language.

Mr. FAUNTROY. Under this language?

Mr. PARRIS. That is what I was just told, Mr. Chairman. That was the testimony of the city back in October, Mr. Chairman.

Let me share one other thought: Back in October I asked the Architect of the Capitol, if there would be any serious objection if we provided an amendment to this legislation that would make it provide a site suitable to the Architect and the joint committee, whatever, just a site. The answer was, "Mr. White: I would have no objection."

From that day to this one, Mr. Chairman, that issue has not been addressed by anybody to my knowledge. Yet in this language we talk about Poplar Point, about the construction of a state of the art greenhouse, whatever that means.

We are very precise, which is in total contradiction to all of this that has been handled on this issue. That is my frustration, Mr. Chairman.

Mr. FAUNTROY. My frustration is that the language which we have agreed to strike in my view, because it says the relocation project shall be deemed a Federal-aid-highway project and the District shall be entitled to implement such, pursuant to public law, striking that strikes the concern that you had.

So that again we will look at it. I am not going to move to markup now. I would like to know to whom to talk inasmuch as this specific amendment has been available to the staff since October.

Mr. PARRIS. This amendment, Mr. Chairman?

Mr. FAUNTROY. This amendment. I am not going to argue because I don't want to get out of character, but we will discuss it between now and the time we go to markup.

Mr. PARRIS. Mr. Chairman, I would certainly like the record to show that there is no argument. I do not submit any suggestion of bad faith, but I do respectfully submit there has been a communication failure which happens with regularity, between the majority staff and the minority staff on this committee in various activities in which this committee has jurisdiction.

The bottom line, I think, is that I am informed by the minority counsel that as of yesterday they were not informed, and therefore I was not informed and presumably Mr. McKinney was not informed, nor Mr. Bliley nor Mrs. Holt, that there was an intention to strike the source of the funding for this purpose.

That may be a communication failure which happens to all of us.

Mr. FAUNTROY. Yes. There is a communications failure. I wouldn't say anybody is lying.

Mr. PARRIS. I didn't suggest that.

Mr. FAUNTROY. I don't want you to think I would.

Mr. PARRIS. I didn't suggest that, Mr. Chairman.

Mr. FAUNTROY. That is what I am saying. I am assuring you that I am not suggesting it. I am not saying that your staff knew this and told you that they didn't. I am not saying that. Let's not argue. Let's conclude the hearing.

Mr. PARRIS. Fine.

Mr. FAUNTROY. If there are no other witnesses, the hearing will be called to a close.

[Whereupon, at 10:15 a.m., the subcommittee was adjourned.]

**H.R. 4153—SUBCOMMITTEE MARKUP TO AUTHORIZE THE ARCHITECT OF THE CAPITOL TO RELOCATE CERTAIN GREENHOUSE AND NURSERY FACILITIES NOW AT POPLAR POINT AND DIRECT THE SECRETARY OF THE INTERIOR TO PERMIT THE DISTRICT OF COLUMBIA TO CONSTRUCT, MAINTAIN, AND OPERATE CERTAIN TRANSPORTATION IMPROVEMENTS ON FEDERAL PROPERTY**

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THURSDAY, MAY 3, 1984.

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH,  
COMMITTEE ON THE DISTRICT OF COLUMBIA,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:02 a.m., in room 1310, Longworth House Office Building, Washington, DC, Hon. Walter E. Fauntroy (chairman of the subcommittee) presiding.

Present: Delegate Fauntroy and Representative Stanford E. Parris.

Also present: Edward C. Sylvester, Jr., staff director; Johnny Barnes, staff counsel; Donn G. Davis, senior legislative associate; John Gnorski; minority staff director; William Carey, assistant minority staff director; Ronald Hamm and Eric Becker, minority staff assistants.

Mr. FAUNTROY. The subcommittee will come to order.

The Subcommittee on Fiscal Affairs and Health is convened for purposes of marking up H.R. 4153, a bill to authorize the Architect of the Capitol to relocate certain greenhouse and nursery facilities presently located at Poplar Point and direct the Secretary of the Interior to permit the District of Columbia to construct, maintain, and operate certain transportation improvements on Federal property.

If there are no opening statements, I will yield to the gentleman from Virginia for a substitute, which I understand he has to offer.

Mr. PARRIS. Thank you, Mr. Chairman, and might I make a very brief comment.

Mr. FAUNTROY. Yes, sir.

Mr. PARRIS. I thank you, Mr. Chairman, and I want to express my appreciation for the opportunity to work with you on this bill, and to express my pure gratitude for your comments and the state-



ment that included part of this substitute matter, concerning my involvement in its preparation, and I congratulate you upon your efforts and your desire to reach an accommodation in this matter, and I think it is an example of the cooperation in the finest tradition of the legislative process. I do sincerely appreciate your assistance in this matter.

This legislation accelerates the timetable for the agreement anticipated between the city and the Architect and involves the Secretary of Transportation by requiring her concurrence in the design and construction of the Architect's relocated facility.

We have clarified the funding for relocation in a fiscally prudent manner, in my view, and have brought an added measure of fiscal restraint for this undertaking.

The bill is good for Metro and for transportation for the Washington metropolitan area. All residents especially those who have spent countless hours in traffic on I-295 and, Mr. Chairman, I am one of them almost everyday, who have headed to or from the beltway out of or into Washington, will be done a great service by this legislation to allow us to go forward with the Anacostia Metro Station.

Without further comment, Mr. Chairman, I would submit to the subcommittee a substitute to H.R. 4153, which has been labeled by the Parliamentarian as H.R. 5565 and hope that we can proceed expeditiously to report its passage.

Mr. FAUNTROY. And I thank you, Mr. Parris.

Let me concur in your remarks about the cooperation which has characterized the effort to develop a solution to this problem.

And with that, I will be very pleased to entertain a motion by you that H.R. 5565 be favorably reported to the full committee for its action.

Mr. PARRIS. So moved.

Mr. FAUNTROY. And the vote will occur on the motion of Mr. Parris to report H.R. 5565 to the full committee favorably.

All in favor, say aye. [A chorus of ayes.]

All opposed, No. [No response.]

The ayes have it. So ordered.

The subcommittee is adjourned at this point.

[Whereupon, at 10:06 a.m., the hearing was adjourned.]

[The bills H.R. 4153 and H.R. 5565 follow with attachments:]

98TH CONGRESS  
1ST SESSION

# H.R. 4153

To direct the Architect of the Capitol to enter into an agreement with the District of Columbia government to relocate certain greenhouse and nursery facilities of the United States Botanic Garden, and to direct the Secretary of the Interior to permit the District of Columbia to construct, maintain, and operate certain transportation improvements on Federal property.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 1983

Mr. FAUNTROY introduced the following bill; which was referred jointly to the Committees on the District of Columbia and House Administration

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## A BILL

To direct the Architect of the Capitol to enter into an agreement with the District of Columbia government to relocate certain greenhouse and nursery facilities of the United States Botanic Garden, and to direct the Secretary of the Interior to permit the District of Columbia to construct, maintain, and operate certain transportation improvements on Federal property.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        SECTION 1. (a) Within one year after the date of enact-  
4        ment of this Act, the Architect of the Capitol (hereinafter

1 referred to as the "Architect") under the direction of the  
2 Joint Committee on the Library shall enter into an agree-  
3 ment with the District of Columbia government (hereinafter  
4 referred to as the "District") consistent with the provisions of  
5 this Act.

6 (b) Such agreement shall include the following provi-  
7 sions:

8 (1)(A) The facilities operated and maintained by  
9 the United States Botanic Garden at the Poplar Point  
10 Greenhouse and Nursery described in section 3(a) will  
11 be relocated to a site to be determined by the Architect  
12 and the District. The relocation site will consist of not  
13 less than twenty-five contiguous acres on property in  
14 southwest Washington under the jurisdiction of the  
15 District in the area known as D.C. Village. Such site  
16 shall include the District of Columbia Metropolitan  
17 Police Department Canine Facility located at 4665  
18 Blue Plains Drive and the office building and parking  
19 facility at 4701 Shepherd Parkway occupied by the  
20 District of Columbia Department of Transportation.

21 (B) The District will be responsible for all ex-  
22 penses arising from such relocation. Such expenses  
23 may include the replacement of any facilities main-  
24 tained by the United States Botanic Garden at the  
25 Poplar Point location by facilities of such state of the

1 art design and construction as may be determined by  
2 the Architect and the Joint Committee on the Library.  
3 The relocation project shall be deemed a Federal-aid  
4 highway project and the District shall be entitled to  
5 implement such relocation and replacement pursuant to  
6 section 127(a) of Public Law 97-424 (amending 23  
7 U.S.C. 108(b)), equal to 100 per centum of the cost  
8 thereof.

9 (2) The District will convey without consideration  
10 to the Architect on behalf of the United States all  
11 right, title, and interest of the District in any real  
12 property determined pursuant to paragraph (1) as the  
13 relocation site.

14 (3) The District will convey without consideration  
15 to the Secretary of the Interior on behalf of the United  
16 States all right, title, and interest of the District in the  
17 real property described in section 3(b), known as the  
18 Lanham Tree Nursery.

19 SEC. 2. (a) Upon completion of the relocation under sec-  
20 tion 1, as determined by the Architect, the real property de-  
21 scribed in section 3(a), known as the Botanic Garden Green-  
22 house and Nursery at Poplar Point, shall come within the  
23 jurisdiction of the Secretary of the Interior.

24 (b) Within sixty days after the Secretary assumes juris-  
25 diction for such real property under subsection (a), the Secre-

1 tary shall enter into an agreement with the District under  
2 which the District will be authorized to construct, maintain,  
3 and operate certain facilities designed to improve transporta-  
4 tion in the Washington metropolitan area, as determined by  
5 the District, on any real property described in section 3.

6 (c) Within two years after the Secretary assumes juris-  
7 diction for such real property under subsection (a), the Secre-  
8 tary, in consultation and cooperation with the District, shall  
9 develop a land use plan for such portions of any real property  
10 described in section 3 as the District determines are unneces-  
11 sary for transportation improvement purposes.

12 (d) On the date of conveyance of the relocation site  
13 under section 1(b)(2), the United States Capitol Police shall  
14 have such jurisdiction over the relocation site as is provided  
15 under section 1826 of the Revised Statutes (40 U.S.C. 215).

16 SEC. 3. (a) The real property referred to in section  
17 1(b)(1)(A) known as the Botanic Garden Greenhouse and  
18 Nursery at Poplar Point is comprised of the following parcels  
19 of property:

20 (1) A parcel of approximately fourteen and seven-  
21 ty-five one-hundredths acres that was transferred from  
22 the Director of Public Buildings and Public Parks of  
23 the National Capital to the jurisdiction of the United  
24 States Botanic Garden for use as a tree nursery pursu-  
25 ant to the Act of June 26, 1926 (44 Stat. 774).

1           (2) A parcel of approximately seven and eighty-  
2           three one-hundredths acres that was acquired by the  
3           United States Botanic Garden from the Secretary in  
4           1935 in exchange for certain other property under the  
5           provisions of the Act of May 20, 1932 (47 Stat. 161).

6           (3) A parcel of approximately two and eight one-  
7           hundredths acres that is occupied by the Architect pur-  
8           suant to a special use permit issued by the Secretary  
9           on March 10, 1977, to the chairman of the Joint Com-  
10          mittee on the Library.

11          (b) The real property referred to in section 1(b)(3)  
12          known as the Lanham Tree Nursery consists of a parcel of  
13          approximately thirty-four and five-tenths acres that was  
14          transferred from the Director of Public Buildings and Public  
15          Parks of the National Capital to the jurisdiction of the Dis-  
16          trict for use as a tree nursery.



U.S. Department of  
Transportation

General Counsel

400 Seventh St., S.W.  
Washington, D.C. 20590

MAY 1 1984

RECEIVED

The Honorable Ronald V. Dellums  
Chairman, Committee on the  
District of Columbia  
House of Representatives  
Washington, D.C. 20515

MAY 2 1984

House of Representatives  
Committee on the District of Columbia

Dear Mr. Chairman:

Your Committee will shortly be marking up H.R. 4153, a bill:

"To direct the Architect of the Capitol to enter into an agreement with the District of Columbia government to relocate certain greenhouse and nursery facilities of the United States Botanical Garden, and to direct the Secretary of the Interior to permit the District of Columbia to construct, maintain and operate certain transportation improvements on Federal property."

The Department of Transportation strongly supports steps to provide better highway and transit service to the Anacostia area and we support the basic thrust of H.R. 4153. We have been working closely with representatives of both the Washington Metropolitan Area Transit Authority and the District to expedite the construction of the Anacostia Metrorail station and the associated fringe parking facility. However, we are deeply concerned with the provisions proposed in section 1(b)(1)(B) of H.R. 4153, as introduced, which would make unacceptable changes in the laws governing the Federal-aid highway program contained in title 23, United States Code.

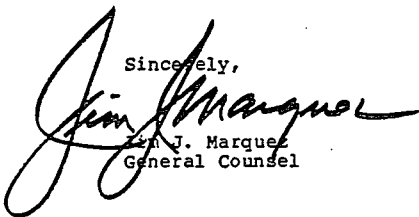
As we understand the proposed provision, it would amend title 23 in three fundamental ways. First, it would require that the cost of relocating the Architect of the Capitol facilities be funded out of the Highway Trust Fund. Second, it would require that the Federal government pay 100 percent of the cost of this relocation, even though the normal Federal share is only 90 percent for this kind of highway project and only 80 percent for transit projects. Finally, it would make the Architect and the Joint Committee on the

Library the sole judges of the ultimate cost of relocation. We are more than willing to functionally replace the 30-year-old facilities of the Architect with modern facilities which meet current reasonable standards. While this should be a dramatic improvement for the Architect on a square foot by square foot basis, we understand that the Architect is requesting that the transportation program fund more than \$5 million of additional space that does not exist at the current facility. This request far exceeds the scope of a normal relocation activity.

We are extremely interested in working out a solution that will allow the projects to move forward quickly. To this end, we are attaching a revised provision that would meet each of the concerns we have raised. Our revision would allow us to use our existing laws to allocate eligible relocation expenses between highway and transit costs. The Federal share would depend on the particular program that was used, but it could be as high as 100 percent for highway-related relocation on designated park land under the jurisdiction of the Secretary of the Interior. The determination of eligible costs would be made with the concurrence of the District and the Secretary of Transportation.

The Department would support enactment of H.R. 4153 if it is amended as we propose. The District has informed us that they do not object to the enclosed revisions to section 1(b)(1)(B). The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely,



Jim J. Marquez  
General Counsel

Enclosure



H.R. 4153

## Revised Section (1)(b)(1)(B)

"(B) The District, in cooperation with the Washington Metropolitan Area Transit Authority (WMATA), shall be responsible for relocation expenses. Such relocation expenses may include the replacement of any facilities maintained by the United States Botanic Garden at the Popular Point location by facilities of such design and construction as may be determined by the Architect and the Joint Committee on the Library with the concurrence of the District and the Secretary of Transportation. Such relocation expenses shall be eligible as provided by section 108(b)(3) of the Federal-Aid Highway Act of 1956, as amended by section 127(a)(3) of the Surface Transportation Assistance Act of 1982, and to the extent otherwise eligible under title 23, United States Code."



## Washington Metropolitan Area Transit Authority

600 Fifth Street, N.W., Washington, D.C. 20001  
(202) 637-1234



Honorable Walter E. Fauntroy  
Chairman  
Subcommittee on Fiscal Affairs and Health  
Committee on the District of Columbia  
U. S. House of Representatives  
Washington, D. C. 20515

Dear Mr. Chairman:

Thank you for providing us the opportunity to comment on H.R. 4153, legislation authorizing the Architect of the Capitol to relocate certain greenhouse and nursery facilities from Poplar Point and directing the Secretary of the Interior to permit the District of Columbia to construct, maintain and operate certain transportation improvements on that property.

As you know, H.R. 4153 would authorize the transfer of certain lands in the vicinity of the planned Anacostia Metrorail Station to the Department of the Interior. It would permit construction of the Anacostia Metro Station, the permanent parking garage, temporary surface parking facilities, and the necessary access roadway. The terms of the legislation are in accord with the needs of the Washington Metropolitan Area Transit Authority for construction of the Metrorail "F" Route.

It is most important that WMATA initiate construction on the "F" Route through Anacostia as soon as possible. This project has been delayed for two years due to a court injunction. That injunction has now been modified to permit us to move ahead with necessary actions preliminary to construction. One of these essential steps is passage of this legislation, which would clear the way for construction.

We appreciate the Committee's interest and support in this matter.

Sincerely,

*Carmen E. Turner*  
Carmen E. Turner  
General Manager



## United States Department of the Interior

NATIONAL PARK SERVICE  
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

L30(NCR-LUCE)

DEC 16 1983

Honorable Walter E. Fauntroy  
U.S. House of Representatives  
Room 1310, Longworth House  
Office Building  
Washington, D.C. 20515

Dear Mr. Fauntroy:

Thank you for providing us with the opportunity to review the proposed legislation for the relocation for the Architect of the Capitol, which is presently before the Subcommittee on Fiscal Affairs and Health of the District of Columbia.

We have reviewed the revised draft of H.R. 3700, dated October 19, 1983, and find the language of the bill consistent with our discussions and agreements with the District of Columbia, the Architect of the Capitol, the Washington Metropolitan Area Transit Authority, and the Anacostia community.

As you are aware, the bill would provide for a transfer of lands to the Secretary of the Interior in the vicinity of the proposed subway stop in Anacostia Park upon relocation of the Architect of the Capitol's Botanic Gardens Nursery and the District of Columbia's Lanham Tree Nursery, comprising approximately 60 acres. This bill, in addition to the Metro station and parking garage, will provide for a permanent access road and a temporary surface parking area of approximately 500 spaces.

Based on our agreement, upon completion of the Green Line into Prince George's County, the National Park Service is to reevaluate the temporary parking facilities through the land use plan as specified under Section 2(c). At the time of this agreement it was anticipated that the Anacostia Metro Station would be utilized as a temporary terminal station for a period of several years until construction of the line could be completed, either to Branch Avenue or to Rosecroft. The uncertainties of the pending litigation before the courts on the construction of the Green Line, now make the two-year planning deadline unrealistic.

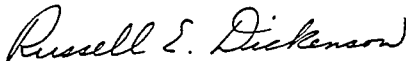
Sections 2(b) and 2(c) of this bill require that the Secretary, after determination of transportation improvements and within two years of enactment, will develop a land use plan for that portion of the property which is not needed for transit purposes.

The District of Columbia and the National Park Service have worked very

closely with the Anacostia community to develop the Anacostia Metro Station in a manner that would be compatible with the needs of the city and reduce automobile congestion to an absolute minimum. In this regard we suggest that Sections 2(b) and 2(c) be modified to allow the Secretary the flexibility of working jointly with the community and the District of Columbia to determine the best land use for this area within a time frame related to the completion of the Metro station.

We have enclosed, for your consideration, suggested modifications to Sections 2(b) and 2(c) of the revised draft bill to allow for this flexibility.

Sincerely,

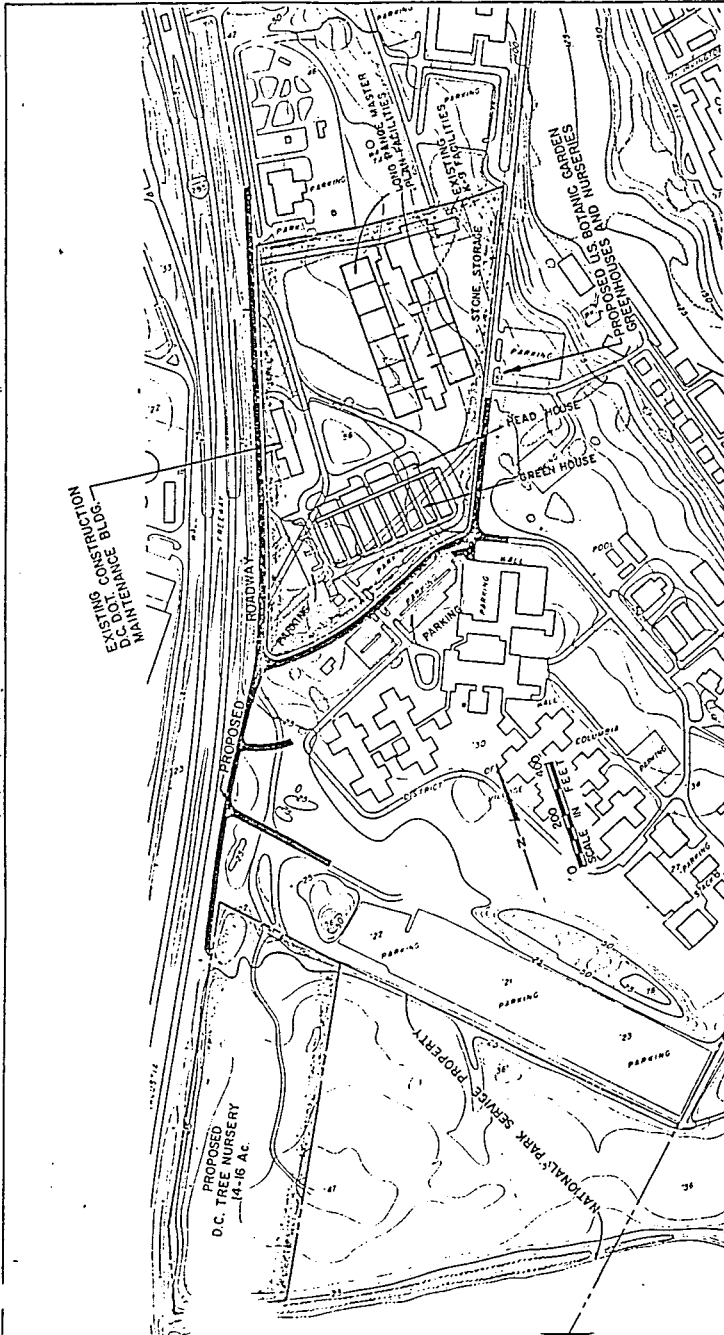
A handwritten signature in cursive script that reads "Russell E. Dickenson".

Director

Enclosure

18. (b) Within 60 days after the Secretary assumes jurisdiction  
19. for such real property under subsection (a), the Secretary shall  
20. enter into an agreement with the District under which the  
21. District will be authorized to construct, maintain, and operate  
22. certain facilities designed to improve transportation in the  
23. Washington metropolitan area, as jointly determined by the  
24. Secretary and the District, on any real property described in  
25. section 3.

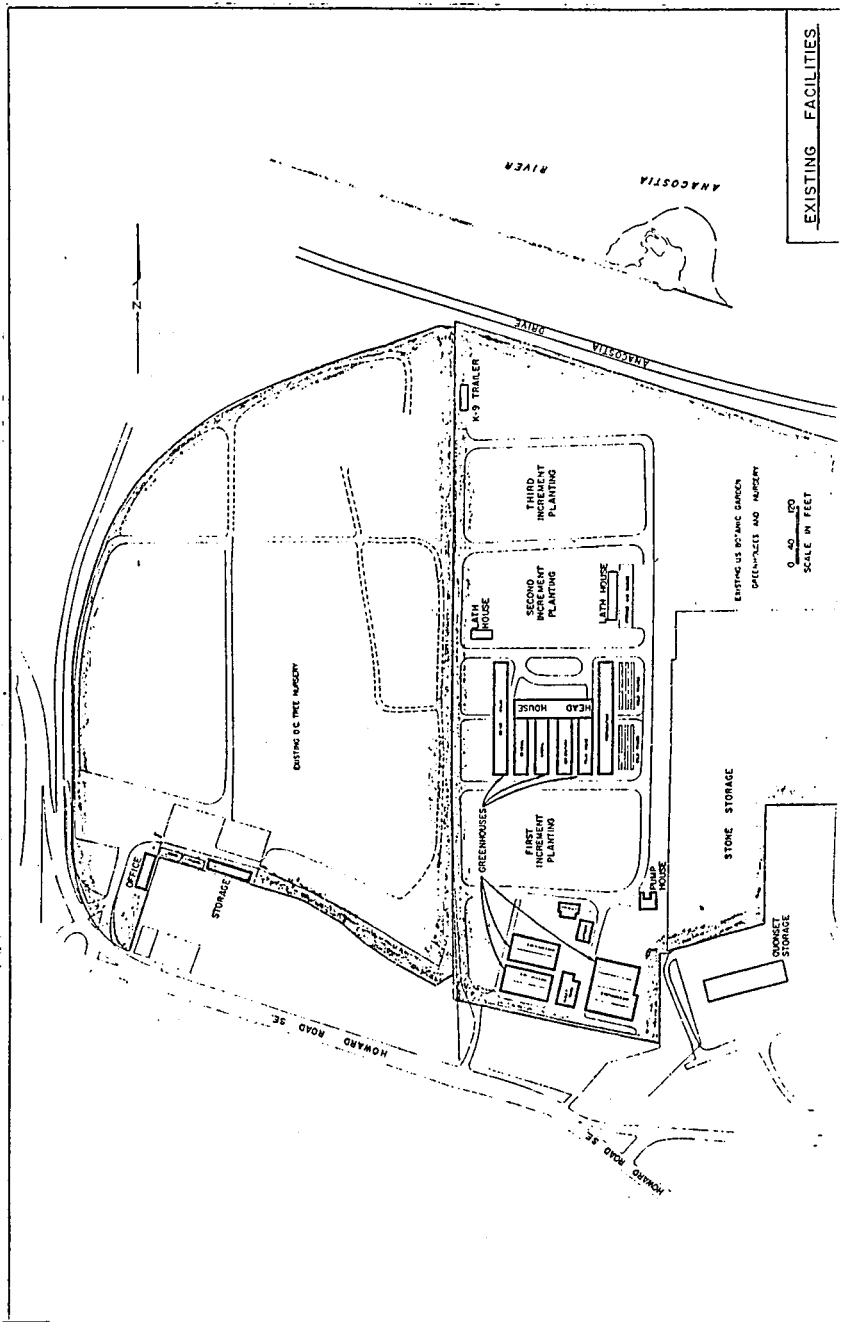
1. (c) Upon the Secretary assuming jurisdiction for such real  
2. property under subsection (a), the Secretary, in consultation  
3. and cooperation with the District, shall develop a land use  
4. plan for such portions of any real property described in  
5. section 3 as the Secretary and the District jointly determine  
6. are unnecessary for transportation improvement purposes.



**PROPOSED FACILITIES**

**FLEMING CORPORATION**

EXISTING FACILITIES



A BILL To direct the Architect of the Capitol and the District of Columbia to enter into an agreement for the conveyance of certain real property, to direct the Secretary of the Interior to permit the District of Columbia and the Washington Metropolitan Area Transit Authority to construct, maintain, and operate certain transportation improvements on Federal property, and to direct the Architect of the Capitol to provide the Washington Metropolitan Area Transit Authority access to certain real property

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* Section 1. (a) Within 60 days after the enactment of this Act, the Architect of the Capitol under the direction of the Joint Committee on the Library (hereinafter referred to as the "Architect") and the District of Columbia government (hereinafter referred to as the "District") shall enter into an agreement consistent with the provisions of this Act.

(b) Such agreement shall include the following provisions:

(1)(A) The Architect and the District shall determine a site of not less than 25 contiguous acres under the jurisdiction of the District upon which the facilities existing on the date of enactment of this Act which are operated and maintained by the United States Botanic Garden at the Poplar Point Greenhouse and Nursery described in section 3(a) shall be relocated.

(B) The District, in cooperation with the Washington Metropolitan Area Transit Authority, shall be responsible for relocation expenses. Such relocation expenses may include the replacement of any facilities maintained by the United States Botanic Garden at the Poplar Point location by facilities of such design and construction as may be determined by the Architect and the Joint Committee on the Library with the concurrence of the Secretary of the U.S. Department of Transportation and the District. Such relocation expenses shall be eligible as provided by section 108(b)(3) of the Federal-Aid Highway Act of 1956, as amended by section 127(a)(3) of the Surface Transportation Assistance Act of 1982, and to the extent otherwise eligible under title 23, United States Code.

(2) The District shall convey without consideration to the Architect on behalf of the United States all right, title, and interest of the District in any real property determined pursuant to paragraph (1) as the replacement site.

(3) The District shall convey without consideration to the Secretary of the Interior (hereinafter referred to as the "Secretary") on behalf of the United States all right, title, and interest of the District in the real property described in section 3(b), known as the Lanham Tree Nursery.

Section 2. (a) Within 60 days of the enactment of this Act the real property described in section 3(a), known as the Botanic Garden Greenhouse and Nursery at Poplar Point, shall come within the jurisdiction of the secretary; provided that the Architect shall retain the right to continue the current use of the property until the replacement facilities of the Architect are completed.

(b) Within 60 days after the Secretary assumes jurisdiction for such real property under subsection (a), the Secretary shall enter into an agreement with the District and the Washington Metropolitan Area Transit Authority Under which the District and the Washington Metropolitan Area Transit Authority will be authorized to construct, maintain, and operate certain facilities designed to improve transportation in the Washington metropolitan area.

(c) Upon the Secretary assuming jurisdiction for such real property under subsection (a), the Secretary and the District shall develop a land use plan for such portions of any real property described in section 3 as the Secretary and the District jointly determine will not be necessary for transportation improvement purposes when Green Line service is extended to its ultimate terminus in Prince George's County.

(d) On the date of conveyance of such real property as described in section 1(b)(2), the United States Capitol Police shall have such jurisdiction over such real property as is provided under section 1826 of the Revised Statutes (40 U.S.C. 215).

(e) The Architect shall, not later than 10 days after the enactment of this Act, provide to the Washington Metropolitan Area Transit Authority access to the property described in Section 3(a) for the purpose of conducting any and all necessary surveys, studies, evaluations, and tests, as determined by the Washington Metropolitan Area Transit Authority; and for the purpose of construction of the rail line tunnel in the area beginning at a point on the east line of the parcel, the point of beginning having Metro Project Coordinates North 376, 664.236 and East 801,187.843, thence leaving said line and through said parcel the following seven courses:



1. South 76°32' 04.2" West, 294.52 feet; thence
2. South 16°25' 29.4" East, 9.80 feet; thence
3. South 73°34' 30.2" West, 86.57 feet; thence
4. North 16°24' 31.2" West, 9.80 feet; thence
5. South 73°34' 20.8" West, 31.39 feet; thence
6. South 0°01' 36.3" East, 109.22 feet; thence
7. North 90°0' 0" West, 420.786 feet to a point on the west line of said parcel; thence along said line
8. North 0°01' 35.8" West, 577.12 feet to the northwest corner of said parcel; thence along the northerly line of said parcel
9. South 72°01' 48.6" East, 862.55 feet to the northwest corner of said parcel; thence along the east line of said parcel
10. South 0°02' 22.5" East, 99.85 feet to the point of beginning, containing 300,235 square feet or 6.892 acres.

(f) When the facilities of the Architect have been relocated, pursuant to section 1, the Secretary shall provide the Washington Metropolitan Area Transit Authority right of access to construct, maintain and operate all other transportation facilities described in section 3(a) designed to improve transportation in the Washington Metropolitan Area.

Section 3. (a) The real property referred to in section 1(b)(1) known as the Botanic Garden Greenhouse and Nursery which is in Anacostia Park is comprised of the following parcels of property:

(1) A parcel of approximately fourteen and seventy-five one-hundredths acres that was transferred from the Director of Public Buildings and Public Parks of the National Capital to the jurisdiction of the United States Botanic Garden for use as a tree nursery pursuant to the Act of June 26, 1926 (44 Stat. 774).

(2) A parcel of approximately seven and eighty-three one-hundredths acres that was acquired by the United States Botanic Garden from the Secretary in 1935 in exchange for certain other property under the provisions of the Act of May 20, 1932 (47 Stat. 161).

(3) A parcel of approximately two and eight-one hundredths acres that is occupied by the Architect pursuant to a special use permit issued by the Secretary on March 10, 1977, to the Chairman of the Joint Committee on the Library.

(b) The real property referred to in section 1(b)(3) known as the Lanham Tree Nursery which is in Anacostia Park consists of a parcel of approximately thirty-four and five-tenths acres that was transferred from the Director of Public Buildings and Public Parks of the National Capital to the jurisdiction of the District for use as a tree nursery.

## COMMITTEE MARKUP ON H.R. 4153 AND SUBSTITUTE BILL H.R. 5565

THURSDAY, MAY 3, 1984

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE DISTRICT OF COLUMBIA,  
*Washington, DC.*

The committee met, pursuant to call, at 10:38 a.m., in room 1310, Longworth House Office Building, Hon. Walter E. Fauntroy, presiding.

Present: Representatives Dellums, Delegate Fauntroy, Representatives Barnes, Dymally, McKinney, and Parris.

Also present: Edward C. Sylvester, Jr., staff director; Johnny Barnes, staff counsel; Donn G. Davis, senior legislative associate; John Gnorski, minority staff director; William Carey, assistant minority staff director; Ronald Hamm and Eric Becker, minority staff assistants.

Mr. FAUNTROY. If there be no further comments, I will, at this time move now to the bill scheduled for consideration today, H.R. 4153, the Poplar Point Nursery bill.

It has been referred to the Subcommittee on Fiscal Affairs and Health, where hearings and markup have been held.

During the markup, the subcommittee passed a substitute bill, H.R. 5565, which the full committee will consider at this time.

I recognize the gentleman from California.

Mr. DYMALLY. Thank you, Mr. Chairman.

H.R. 5565 directs the Architect of the Capitol to enter into an agreement with the District of Columbia government to relocate the Architect's tree nursery.

The Secretary of the Interior is also directed to permit the District to construct and operate certain transportation improvements on Federal property.

H.R. 5565 is the product of countless meetings, discussions and two hearings by the Subcommittee on Fiscal Affairs and Health. It is also the product of cooperation by members of this committee on both sides of the aisle, and I want to commend our colleague, Mr. Parris, who has provided time, energy, and resources toward a final resolution of this legislative matter.

H.R. 5565 is needed so that the District can initiate construction of a parking facility which will be used in conjunction with the planned Anacostia Metrorail Station.

The parking facility would be constructed on the site currently occupied by the Architect at Poplar Point and would have access ramps from the Anacostia Freeway. The two maps in each member's folders depicts the existing and proposed facilities.

H.R. 5565 is an essential legislative item which must be passed to insure that work on our regional Metrorail System continues as planned.

I urge all members to support this legislation.

Mr. FAUNTROY. Thank you, Mr. Dymally.

Mr. Parris?

Mr. PARRIS. Mr. Chairman, I would simply reiterate my comments earlier in the subcommittee regarding this legislation, express to the gentleman from California, Mr. Dymally, and to the gentleman from the District of Columbia, Mr. Fauntroy, my sincere appreciation for their fine cooperation in drafting this legislation.

I think it is a good bill, and I respectfully hope that my colleagues will support it.

Mr. FAUNTROY. Thank you.

Are there further comments on the legislation?

[No response.]

[The prepared statement of Mr. Fauntroy follows:]

PREPARED STATEMENT OF HON. WALTER E. FAUNTROY

Mr. Chairman, H.R. 5565 directs the Architect of the Capitol to enter into an agreement with the District of Columbia government to relocate the Architect's tree nursery. The Secretary of the Interior is also directed to permit the District to construct and operate certain transportation improvements on Federal property.

H.R. 5565 is the product of countless meetings, discussions and two hearings by the Subcommittee on Fiscal Affairs and Health. It is also the product of cooperation by members of this committee on both sides of the aisle, and I want to commend our colleague Mr. Parris, who has provided time, energy and resources toward a final resolution of this legislative matter.

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H.R. 5565 is an essential legislative item which must be passed to insure that work on our regional Metrorail system continues as planned. I urge all members to support this legislation.

The CHAIRMAN. The meeting will come to order. The vote is on the bill. The Clerk will call the roll.

The CLERK. Mr. Fauntroy?

Mr. FAUNTROY. Aye.

The CLERK. Mr. Mazzoli?

[No response.]

The CLERK. Mr. Stark?

Mr. STARK. Aye.

The CLERK. Mr. Leland?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Gray?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Barnes?

Mr. BARNES. Aye.

The CLERK. Mr. Dymally?

Mr. DYMALLY. Aye.

The CLERK. Mr. McKinney?

Mr. MCKINNEY. Aye.

The CLERK. Mr. Parris?

Mr. PARRIS. Aye.

The CLERK. Bliley?

Mr. MCKINNEY. Aye by proxy.

The CLERK. Mrs. Holt?

Mr. McKINNEY. Aye by proxy.

The CLERK. Mr. Dellums?

The CHAIRMAN. Aye.

The CLERK. Mr. Chairman that is 11 votes aye, 0 votes nay.

The CHAIRMAN. On a vote of 11 ayes and 0 nays, the bill H.R. 5565 is passed and will be reported by the full committee to the House.

The meeting is hereby adjourned.

[Whereupon the markup was adjourned.]

