

Calendar No. 446

111TH CONGRESS
2^D SESSION**H. R. 1700****[Report No. 111-217]**

IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 2009

Received; read twice and referred to the Committee on Environment and
Public Works

JUNE 28, 2010

Reported by Mrs. BOXER, with amendments

[Omit the part struck through and insert the part printed in *italie*]

AN ACT

To authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum.

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. SHORT TITLE.**

4 This Act may be cited as the “National Women’s His-
5 tory Museum Act of 2009”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of General Serv-
5 ices.

6 (2) CERCLA.—The term “CERCLA” means
7 the Comprehensive Environmental Response, Com-
8 pensation, and Liability Act of 1980 (42 U.S.C.
9 9601 et seq.).

10 (3) COMMITTEES.—The term “Committees”
11 means the Committee on Transportation and Infra-
12 structure of the House of Representatives and the
13 Committee on Environment and Public Works of the
14 Senate.

15 (4) MUSEUM.—The term “Museum” means the
16 National Women’s History Museum, Inc., a District
17 of Columbia nonprofit corporation exempt from tax-
18 ation pursuant to section 501(c)(3) of the Internal
19 Revenue Code of 1986.

20 (5) PROPERTY.—The term “property” means
21 the property located in the District of Columbia,
22 subject to survey and as determined by the Adminis-
23 trator, generally consisting of Squares 325 and 326.
24 The property is generally bounded by 12th Street,
25 Independence Avenue, C Street, and the James For-
26 restal Building, all in Southwest Washington, Dis-

1 trict of Columbia, and shall include all associated air
2 rights, improvements thereon, and appurtenances
3 thereto.

4 **SEC. 3. CONVEYANCE OF PROPERTY.**

5 (a) **AUTHORITY TO CONVEY.**—

6 (1) **IN GENERAL.**—Subject to the requirements
7 of this Act, the Administrator shall convey the prop-
8 erty to the Museum on such terms and conditions as
9 the Administrator considers reasonable and appro-
10 priate to protect the interests of the United States
11 and further the purposes of this Act.

12 (2) **AGREEMENT.**—As soon as practicable, but
13 not later than 180 days after the date of enactment
14 of this Act, the Administrator shall enter into an
15 agreement with the Museum for the conveyance.

16 (3) **TERMS AND CONDITIONS.**—The terms and
17 conditions of the agreement shall address, among
18 other things, mitigation of developmental impacts to
19 existing Federal buildings and structures, security
20 concerns, and operational protocols for development
21 and use of the property.

22 (b) **PURCHASE PRICE.**—

23 (1) **IN GENERAL.**—The purchase price for the
24 property shall be its fair market value based on its
25 highest and best use as determined by an inde-

1 pendent appraisal commissioned by the Adminis-
2 trator and paid for by the Museum.

3 (2) SELECTION OF APPRAISER.—The appraisal
4 shall be performed by an appraiser mutually accept-
5 able to the Administrator and the Museum.

6 (3) TERMS AND CONDITIONS FOR APPRAISAL.—

7 (A) IN GENERAL.—Except as provided by
8 subparagraph (B), the assumptions, scope of
9 work, and other terms and conditions related to
10 the appraisal assignment shall be mutually ac-
11 ceptable to the Administrator and the Museum.

12 (B) REQUIRED TERMS.—The appraisal
13 shall assume that the property does not contain
14 hazardous substances (as defined in section 101
15 of CERCLA (42 U.S.C. 9601)) which require
16 response action (as defined in such section).

17 (c) APPLICATION OF PROCEEDS.—The purchase
18 price shall be paid into the Federal Buildings Fund estab-
19 lished under section 592 of title 40, United States Code.
20 Upon deposit, the Administrator may expend, in amounts
21 specified in appropriations Acts, the proceeds from the
22 conveyance for any lawful purpose consistent with existing
23 authorities granted to the Administrator, except that the
24 Administrator shall provide the Committees with 30 days
25 advance written notice of any expenditure of the proceeds.

1 (d) QUIT CLAIM DEED.—The property shall be con-
2 veyed pursuant to a quit claim deed.

3 (e) USE RESTRICTION.—The property shall be dedi-
4 cated for use as a site for a national women’s history mu-
5 seum for the 99-year period beginning on the date of con-
6 veyance to the Museum.

7 (f) REVERSION.—

8 (1) BASES FOR REVERSION.—The property
9 shall revert to the United States, at the option of
10 the United States, without any obligation for repay-
11 ment by the United States of any amount of the
12 purchase price for the property, if—

13 (A) the property is not used as a site for
14 a national women’s history museum at any time
15 during the 99-year period referred to in sub-
16 section (e); or

17 (B) the Museum has not commenced con-
18 struction of a museum facility on the property
19 in the 5-year period beginning on the date of
20 enactment of this Act, other than for reasons
21 beyond the control of the Museum as reason-
22 ably determined by the Administrator.

23 (2) ENFORCEMENT.—The Administrator may
24 perform any acts necessary to enforce the rever-
25 sionary rights provided in this section.

1 (3) CUSTODY OF PROPERTY UPON REVER-
2 SION.—If the property reverts to the United States
3 pursuant to this section, such property shall be
4 under the custody and control of the Administrator.

5 (g) CLOSING DEADLINE.—The conveyance pursuant
6 to this Act shall occur not later than 3 years after the
7 date of enactment of this Act. The Administrator may ex-
8 tend that period for such time as is reasonably necessary
9 for the Museum to perform its obligations under section
10 4(a).

11 **SEC. 4. ENVIRONMENTAL MATTERS.**

12 (a) AUTHORIZATION TO CONTRACT FOR ENVIRON-
13 MENTAL RESPONSE ACTIONS.—The Administrator is au-
14 thorized to contract, ~~in an amount not to exceed the pur-~~
15 ~~chase price for the property,~~ with the Museum or an affil-
16 iate thereof for the performance (on behalf of the Adminis-
17 trator) of response actions ~~(if any) required on the prop-~~
18 ~~erty pursuant to CERCLA~~ *on the Property.*

19 (b) CREDITING OF RESPONSE COSTS.—Any costs in-
20 curred by the Museum or an affiliate thereof pursuant to
21 subsection (a) shall be credited to the purchase price for
22 the property.

23 (c) RELATIONSHIP TO CERCLA.—Nothing in this
24 Act may be construed to affect or limit the application

1 of or obligation to comply with any environmental law, in-
2 cluding section 120(b) of CERCLA (42 U.S.C. 9620(b)).

3 (c) *NO EFFECT ON COMPLIANCE WITH ENVIRON-*
4 *MENTAL LAWS.*—*Nothing in this Act, or any amendment*
5 *made by this Act, affects or limits the application of or obli-*
6 *gation to comply with any environmental law, including*
7 *section 120(h) of CERCLA (42 U.S.C. 9620(h)).*

8 **SEC. 5. INCIDENTAL COSTS.**

9 Subject to section 4, the Museum shall bear any and
10 all costs associated with complying with the provisions of
11 this Act, including studies and reports, surveys, relocating
12 tenants, and mitigating impacts to existing Federal build-
13 ings and structures resulting directly from the develop-
14 ment of the property by the Museum.

15 **SEC. 6. LAND USE APPROVALS.**

16 (a) *EXISTING AUTHORITIES.*—*Nothing in this Act*
17 *shall be construed as limiting or affecting the authority*
18 *or responsibilities of the National Capital Planning Com-*
19 *mission or the Commission of Fine Arts.*

20 (b) *COOPERATION.*—

21 (1) *ZONING AND LAND USE.*—*Subject to para-*
22 *graph (2), the Administrator shall reasonably co-*
23 *operate with the Museum with respect to any zoning*
24 *or other land use matter relating to development of*
25 *the property in accordance with this Act. Such co-*

1 operation shall include consenting to applications by
2 the Museum for applicable zoning and permitting
3 with respect to the property.

4 (2) LIMITATIONS.—The Administrator shall not
5 be required to incur any costs with respect to co-
6 operation under this subsection and any consent pro-
7 vided under this subsection shall be premised on the
8 property being developed and operated in accordance
9 with this Act.

10 **SEC. 7. REPORTS.**

11 Not later than one year after the date of enactment
12 of this Act, and annually thereafter until the end of the
13 5-year period following conveyance of the property or until
14 substantial completion of the museum facility (whichever
15 is later), the Museum shall submit annual reports to the
16 Administrator and the Committees detailing the develop-
17 ment and construction activities of the Museum with re-
18 spect to this Act.

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