

112TH CONGRESS
1ST SESSION

S. 1870

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 and direct the Administrator of General Services to transfer administrative jurisdiction, custody, and control of the building located at 600 Pennsylvania Avenue, NW, in the District of Columbia, to the National Gallery of Art, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2011

Mr. BOOZMAN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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 and direct the Administrator of General Services to transfer administrative jurisdiction, custody, and control of the building located at 600 Pennsylvania Avenue, NW, in the District of Columbia, to the National Gallery of Art, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Women’s His-
3 tory Museum and Federal Facilities Consolidation and Ef-
4 ficiency Act of 2011”.

5 **TITLE I—NATIONAL WOMEN’S**
6 **HISTORY MUSEUM**

7 **SEC. 101. SHORT TITLE.**

8 This title may be cited as the “National Women’s
9 History Museum Act of 2011”.

10 **SEC. 102. DEFINITIONS.**

11 In this title, the following definitions apply:

12 (1) **ADMINISTRATOR.**—The term “Adminis-
13 trator” means the Administrator of General Serv-
14 ices.

15 (2) **CERCLA.**—The term “CERCLA” means
16 the Comprehensive Environmental Response, Com-
17 pensation, and Liability Act of 1980 (42 U.S.C.
18 9601 et seq.).

19 (3) **COMMITTEES.**—The term “Committees”
20 means the Committee on Transportation and Infra-
21 structure of the House of Representatives and the
22 Committee on Environment and Public Works of the
23 Senate.

24 (4) **MUSEUM.**—The term “Museum” means the
25 National Women’s History Museum, Inc., a District
26 of Columbia nonprofit corporation exempt from tax-

1 ation pursuant to section 501(c)(3) of the Internal
2 Revenue Code of 1986.

3 (5) PROPERTY.—The term “Property” means
4 the property located in the District of Columbia,
5 subject to survey and as determined by the Adminis-
6 trator, generally consisting of Squares 325 and 326
7 and a portion of Square 351. The Property is gen-
8 erally bounded by 12th Street, Independence Ave-
9 nue, C Street, and the James Forrestal Building, all
10 in Southwest Washington, District of Columbia, and
11 shall include all associated air rights, improvements
12 thereon, and appurtenances thereto.

13 **SEC. 103. CONVEYANCE OF PROPERTY.**

14 (a) AUTHORITY TO CONVEY.—

15 (1) IN GENERAL.—Subject to the requirements
16 of this title, the Administrator shall convey the
17 Property to the Museum, on such terms and condi-
18 tions as the Administrator considers reasonable and
19 appropriate to protect the interests of the United
20 States and further the purposes of this title.

21 (2) AGREEMENT.—As soon as practicable, but
22 not later than 180 days after the date of enactment
23 of this Act, the Administrator shall enter into an
24 agreement with the Museum for the conveyance.

1 (3) TERMS AND CONDITIONS.—The terms and
2 conditions of the agreement shall address, among
3 other things, mitigation of developmental impacts to
4 existing Federal buildings and structures, security
5 concerns, and operational protocols for development
6 and use of the property.

7 (b) PURCHASE PRICE.—

8 (1) IN GENERAL.—The purchase price for the
9 Property shall be its fair market value based on its
10 highest and best use as determined by an inde-
11 pendent appraisal commissioned by the Adminis-
12 trator and paid for by the Museum.

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

16 (3) TERMS AND CONDITIONS FOR APPRAISAL.—

17 (A) IN GENERAL.—Except as provided by
18 subparagraph (B), the assumptions, scope of
19 work, and other terms and conditions related to
20 the appraisal assignment shall be mutually ac-
21 ceptable to the Administrator and the Museum.

22 (B) REQUIRED TERMS.—The appraisal
23 shall assume that the Property does not contain
24 hazardous substances (as defined in section 101
25 of CERCLA (42 U.S.C. 9601)) or any other

1 hazardous waste or pollutant that requires a re-
2 sponse action or corrective action under any ap-
3 plicable environmental law.

4 (c) APPLICATION OF PROCEEDS.—The purchase
5 price shall be paid into an account in the Federal Build-
6 ings Fund established under section 592 of title 40,
7 United States Code. Upon deposit, the proceeds from the
8 conveyance may only be expended subject to a specific fu-
9 ture appropriation.

10 (d) QUIT CLAIM DEED.—The Property shall be con-
11 veyed pursuant to a quit claim deed.

12 (e) USE RESTRICTION.—The Property shall be dedi-
13 cated for use as a site for a national women’s history mu-
14 seum for the 99-year period beginning on the date of con-
15 veyance to the Museum.

16 (f) FUNDING RESTRICTION.—No Federal funds shall
17 be made available—

18 (1) to the Museum for—

19 (A) the purchase of the Property; or

20 (B) the design and construction of any fa-
21 cility on the Property; or

22 (2) by the Museum or any affiliate of the Mu-
23 seum as a credit pursuant to section 104(b).

24 (g) REVERSION.—

1 (1) BASES FOR REVERSION.—The Property
2 shall revert to the United States, at the option of
3 the United States, without any obligation for repay-
4 ment by the United States of any amount of the
5 purchase price for the property, if—

6 (A) the Property is not used as a site for
7 a national women’s history museum at any time
8 during the 99-year period referred to in sub-
9 section (e); or

10 (B) the Museum has not commenced con-
11 struction of a museum facility on the Property
12 in the 5-year period beginning on the date of
13 enactment of this Act, other than for reasons
14 beyond the control of the Museum as reason-
15 ably determined by the Administrator.

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

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

23 (h) CLOSING.—The conveyance pursuant to this title
24 shall occur not later than 3 years after the date of enact-
25 ment of this Act. The Administrator may extend that pe-

1 rioid for such time as is reasonably necessary for the Mu-
2 seum to perform its obligations under section 104(a).

3 **SEC. 104. ENVIRONMENTAL MATTERS.**

4 (a) AUTHORIZATION TO CONTRACT FOR ENVIRON-
5 MENTAL RESPONSE ACTIONS.—In fulfilling the responsi-
6 bility of the Administrator to address contamination on
7 the Property, the Administrator may contract with the
8 Museum or an affiliate of the Museum for the perform-
9 ance (on behalf of the Administrator) of response actions
10 on the Property.

11 (b) CREDITING OF RESPONSE COSTS.—

12 (1) IN GENERAL.—Any costs incurred by the
13 Museum or an affiliate of the Museum using non-
14 Federal funding pursuant to subsection (a) shall be
15 credited to the purchase price for the Property.

16 (2) LIMITATION.—A credit under paragraph (1)
17 shall not exceed the purchase price of the Property.

18 (c) NO EFFECT ON COMPLIANCE WITH ENVIRON-
19 MENTAL LAWS.—Nothing in this title, or any amendment
20 made by this title, affects or limits the application of or
21 obligation to comply with any environmental law, including
22 section 120(h) of CERCLA (42 U.S.C. 9620(h)).

23 **SEC. 105. INCIDENTAL COSTS.**

24 Subject to section 104, the Museum shall bear any
25 and all costs associated with complying with the provisions

1 of this title, including studies and reports, surveys, relo-
2 cating tenants, and mitigating impacts to existing Federal
3 buildings and structures resulting directly from the devel-
4 opment of the property by the Museum.

5 **SEC. 106. LAND USE APPROVALS.**

6 (a) **EXISTING AUTHORITIES.**—Nothing in this title
7 shall be construed as limiting or affecting the authority
8 or responsibilities of the National Capital Planning Com-
9 mission or the Commission of Fine Arts.

10 (b) **COOPERATION.**—

11 (1) **ZONING AND LAND USE.**—Subject to para-
12 graph (2), the Administrator shall reasonably co-
13 operate with the Museum with respect to any zoning
14 or other land use matter relating to development of
15 the Property in accordance with this title. Such co-
16 operation shall include consenting to applications by
17 the Museum for applicable zoning and permitting
18 with respect to the property.

19 (2) **LIMITATIONS.**—The Administrator shall not
20 be required to incur any costs with respect to co-
21 operation under this subsection and any consent pro-
22 vided under this subsection shall be premised on the
23 property being developed and operated in accordance
24 with this title.

1 **SEC. 107. REPORTS.**

2 Not later than 1 year after the date of enactment
3 of this Act, and annually thereafter until the end of the
4 5-year period following conveyance of the Property or until
5 substantial completion of the museum facility (whichever
6 is later), the Museum shall submit annual reports to the
7 Administrator and the Committees detailing the develop-
8 ment and construction activities of the Museum with re-
9 spect to this title.

10 **TITLE II—FEDERAL TRADE COM-**
11 **MISSION AND THE NATIONAL**
12 **GALLERY OF ART**

13 **SEC. 201. SHORT TITLE.**

14 This title may be cited as the “Federal Trade Com-
15 mission and National Gallery of Art Facility Consolida-
16 tion, Savings, and Efficiency Act of 2011”.

17 **SEC. 202. TRANSFER.**

18 Notwithstanding any other provision of law and not
19 later than December 31, 2012, the Administrator of Gen-
20 eral Services shall transfer administrative jurisdiction,
21 custody, and control of the building located at 600 Penn-
22 sylvania Avenue, NW, District of Columbia, to the Na-
23 tional Gallery of Art for the purpose of housing and exhib-
24 iting works of art and to carry out administrative func-
25 tions and other activities related to the mission of the Na-
26 tional Gallery of Art.

1 **SEC. 203. REMODELING, RENOVATING, OR RECON-**
2 **STRUCTING.**

3 (a) IN GENERAL.—The National Gallery of Art shall
4 pay for the costs of remodeling, renovating, or recon-
5 structing the building referred to in section 202.

6 (b) FEDERAL SHARE.—No appropriated funds may
7 be used for the initial costs for the remodeling, renovating,
8 or reconstructing of the building referred to in section
9 202.

10 (c) PROHIBITION.—The National Gallery of Art may
11 not use sale, lease, or exchange, including leaseback ar-
12 rangements, for the purposes of remodeling, renovating,
13 or reconstructing the building referred to in section 202.

14 **SEC. 204. RELOCATION OF THE FEDERAL TRADE COMMIS-**
15 **SION.**

16 (a) RELOCATION.—Not later than the date specified
17 in section 202, the Administrator of General Services shall
18 relocate the Federal Trade Commission employees and op-
19 erations housed in the building identified in such section
20 to not more than 160,000 usable square feet of space in
21 the southwest quadrant of the leased building known as
22 Constitution Center located at 400 7th Street, Southwest
23 in the District of Columbia.

24 (b) OCCUPANCY AGREEMENT.—Not later than 30
25 days following enactment of this Act, the Administrator
26 of General Services and the Securities and Exchange Com-

1 mission shall execute an agreement to assign or sublease
2 the space (leased pursuant to a Letter Contract entered
3 into by the Securities and Exchange Commission on July
4 28, 2010) as described in subsection (a), for the purposes
5 of housing the Federal Trade Commission employees and
6 operations relocating from the building located at 600
7 Pennsylvania Avenue, NW, District of Columbia, pursuant
8 to subsection (a) of this section.

9 **SEC. 205. NATIONAL GALLERY OF ART.**

10 Beginning on the date that the National Gallery of
11 Art occupies the building referred to in section 202—

12 (1) the building shall be known and designated
13 as the “North Building of the National Gallery of
14 Art”; and

15 (2) any reference in a law, map, regulation,
16 document, paper, or other record of the United
17 States to the building shall be deemed to be a ref-
18 erence to the “North Building of the National Gal-
19 lery of Art”.

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