

NATIONAL WOMEN'S HISTORY MUSEUM ACT OF 2009

OCTOBER 8, 2009.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 1700]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 1700) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Women's History Museum Act of 2009".

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) CERCLA.—The term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(3) COMMITTEES.—The term "Committees" means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(4) MUSEUM.—The term "Museum" means the National Women's History Museum, Inc., a District of Columbia nonprofit corporation exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

(5) PROPERTY.—The term "property" means the property located in the District of Columbia, subject to survey and as determined by the Administrator, generally consisting of Squares 325 and 326. The property is generally bounded by 12th Street, Independence Avenue, C Street, and the James Forrestal Build-

ing, all in Southwest Washington, District of Columbia, and shall include all associated air rights, improvements thereon, and appurtenances thereto.

SEC. 3. CONVEYANCE OF PROPERTY.

(a) **AUTHORITY TO CONVEY.**—

(1) **IN GENERAL.**—Subject to the requirements of this Act, the Administrator shall convey the property to the Museum on such terms and conditions as the Administrator considers reasonable and appropriate to protect the interests of the United States and further the purposes of this Act.

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

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

(b) **PURCHASE PRICE.**—

(1) **IN GENERAL.**—The purchase price for the property shall be its fair market value based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Museum.

(2) **SELECTION OF APPRAISER.**—The appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Museum.

(3) **TERMS AND CONDITIONS FOR APPRAISAL.**—

(A) **IN GENERAL.**—Except as provided by subparagraph (B), the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Museum.

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

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

(d) **QUIT CLAIM DEED.**—The property shall be conveyed pursuant to a quit claim deed.

(e) **USE RESTRICTION.**—The property shall be dedicated for use as a site for a national women's history museum for the 99-year period beginning on the date of conveyance to the Museum.

(f) **REVERSION.**—

(1) **BASES FOR REVERSION.**—The property shall revert to the United States, at the option of the United States, without any obligation for repayment by the United States of any amount of the purchase price for the property, if—

(A) the property is not used as a site for a national women's history museum at any time during the 99-year period referred to in subsection (e); or

(B) the Museum has not commenced construction of a museum facility on the property in the 5-year period beginning on the date of enactment of this Act, other than for reasons beyond the control of the Museum as reasonably determined by the Administrator.

(2) **ENFORCEMENT.**—The Administrator may perform any acts necessary to enforce the reversionary rights provided in this section.

(3) **CUSTODY OF PROPERTY UPON REVERSION.**—If the property reverts to the United States pursuant to this section, such property shall be under the custody and control of the Administrator.

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

SEC. 4. ENVIRONMENTAL MATTERS.

(a) **AUTHORIZATION TO CONTRACT FOR ENVIRONMENTAL RESPONSE ACTIONS.**—The Administrator is authorized to contract, in an amount not to exceed the purchase price for the property, with the Museum or an affiliate thereof for the performance (on behalf of the Administrator) of response actions (if any) required on the property pursuant to CERCLA.

(b) **CREDITING OF RESPONSE COSTS.**—Any costs incurred by the Museum or an affiliate thereof pursuant to subsection (a) shall be credited to the purchase price for the property.

(c) **RELATIONSHIP TO CERCLA.**—Nothing in this Act may be construed to affect or limit the application of or obligation to comply with any environmental law, including section 120(b) of CERCLA (42 U.S.C. 9620(b)).

SEC. 5. INCIDENTAL COSTS.

Subject to section 4, the Museum shall bear any and all costs associated with complying with the provisions of this Act, including studies and reports, surveys, relocating tenants, and mitigating impacts to existing Federal buildings and structures resulting directly from the development of the property by the Museum.

SEC. 6. LAND USE APPROVALS.

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

(b) **COOPERATION.**—

(1) **ZONING AND LAND USE.**—Subject to paragraph (2), the Administrator shall reasonably cooperate with the Museum with respect to any zoning or other land use matter relating to development of the property in accordance with this Act. Such cooperation shall include consenting to applications by the Museum for applicable zoning and permitting with respect to the property.

(2) **LIMITATIONS.**—The Administrator shall not be required to incur any costs with respect to cooperation under this subsection and any consent provided under this subsection shall be premised on the property being developed and operated in accordance with this Act.

SEC. 7. REPORTS.

Not later than one year after the date of enactment of this Act, and annually thereafter until the end of the 5-year period following conveyance of the property or until substantial completion of the museum facility (whichever is later), the Museum shall submit annual reports to the Administrator and the Committees detailing the development and construction activities of the Museum with respect to this Act.

PURPOSE OF THE LEGISLATION

H.R. 1700, as amended, authorizes 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.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1700, as amended, directs the Administrator of General Services to sell, at fair market value, real property in southwest Washington, D.C., commonly known as the “Cotton Annex” site, to the National Women’s History Museum, Inc. (NWHM), a District of Columbia non-profit corporation, for the purpose of establishing a museum dedicated to women’s history. The site is bounded by 12th Street SW., Independence Ave, the James Forrestal Building, and C Street SW. The NWHM is non partisan, educational institution with a mission of highlighting, and celebrating historic contributions of women in the United States.

The NWHM was founded in 1996, and has been seeking a permanent physical location in the Nation’s capital since its inception. According to the NWHM, it intends to build a “green” building that will cost between \$250 million and \$350 million. The costs will include design, planning, construction, and two years of operation. The permanent museum is expected to be a focal point that will have permanent and temporary exhibits, special events, and education materials that highlight women’s social, political, and intellectual contributions to history. According to the NWHM, this mu-

seum will be the first permanent and comprehensive record of woman's history in Washington, D.C.

The site will be conveyed to the NWHM at fair market value of the highest and best use of the parcel, as determined by an independent appraisal. The appraisal will be commissioned by the Administrator and paid for by the NWHM. All costs associated with the transfer of the parcel will be borne by the NWHM. The NWHM will have five years to raise funds to construct the museum. If, after five years, the fundraising has not been successful, the property will revert back to the Federal Government. The Federal Government's interest in the parcel is further protected by limiting use of the parcel as a site for the National Women's History Museum for 99 years.

SUMMARY OF THE LEGISLATION

Section 1. Short title

This section establishes the short title of the bill as the "National Women's History Museum Act of 2009".

Sec 2. Definitions

This section includes definitions for terms used throughout the bill.

Administrator—The term "Administrator" means the Administrator of General Services.

CERCLA—The term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9601 *et seq.*).

Committees—The term "Committees" means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Museum—The term "Museum" means the National Women's History Museum, Inc., a District of Columbia nonprofit corporation exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

Property—The term "property" means the property located in the District of Columbia, subject to survey and as determined by the Administrator, generally consisting of squares 325 and 326, bounded by 12th Street, Independence Avenue, C Street, and the James Forrestal Building, all in Southwest Washington, D.C., and shall include all associated air rights, improvements thereon, and appurtenances thereto.

Sec 3. Conveyance of property

Subsection (a) directs the Administrator convey the property to the Museum on such terms and conditions that the Administrator deems reasonable and appropriate to protect the interests of the United States. As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Administrator is directed to enter into an agreement with the Museum for the conveyance. The terms and conditions of the agreement shall address, among other things, mitigation of developmental impacts to existing Federal buildings and structures, security concerns, and operational protocols for development and use of the property.

Subsection (b) states that the purchase price for the property shall be its fair market value based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Museum. The appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Museum. The assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Museum. The appraisal shall assume that the property does not contain hazardous substances (as defined in section 101 of CERCLA (42 U.S.C. §9601)), which require response action.

Subsection (c) states the purchase price shall be paid into the Federal Buildings Fund established under 40 U.S.C. §592. Upon deposit, the Administrator may expend, in amounts specified in appropriations acts, the proceeds from the conveyance for any lawful purpose consistent with existing authorities granted to the Administrator; except that the Administrator shall provide the Committees with 30 days advance written notice of any expenditure of the proceeds.

Subsection (d) states the property shall be conveyed pursuant to a quit claim deed.

Subsection (e) outlines the use restriction. The property is required to be dedicated for use as a site for a national woman's history museum for the 99-year period beginning on the date of conveyance to the Museum.

Subsection (f) states the basis of reversion. The property shall revert to the United States, at the option of the United States, without any obligation for repayment by the United States of any amount of the purchase price for the property, if the property is not used as a site for a national women's history museum at any time during the 99-year period referred to in subsection (e), or if the Museum has not commenced construction of a museum facility on that portion in the five-year period beginning on the date of enactment of this Act, other than for reasons beyond the control of the Museum, as reasonably determined by the Administrator. Subsection (f) also grants the Administrator the authority to perform any acts necessary to enforce the reversionary rights provided in this section. If any portion of the property reverts to the United States pursuant to this section, such property shall be under the custody and control of the Administrator.

Subsection (g) states that the conveyance pursuant to this Act shall occur not later than three years after the date of enactment of this Act. The Administrator may extend that period for such time as is reasonably necessary for the Museum to perform its obligations under the requirements of the Act.

Sec 4. Environmental matters

Subsection (a) states that the Administrator is authorized to contract, in an amount not to exceed the purchase price for the property, with the Museum or an affiliate for the environmental clean up, if any, of the parcel.

Subsection (b) states that any costs incurred by the Museum or an affiliate for the environmental clean up of the property will be credited to the purchase price for the property.

Subsection (c) states that nothing in this Act can be construed to affect or limit the application of, or obligation to comply with, any environmental law, including CERCLA.

Sec 5. Incidental costs

The Museum is required to bear all costs associated with complying with the provisions of this Act, including: relocating existing tenants; related studies, reports, surveys; and mitigating impacts to existing Federal buildings and structures.

Sec 6. Land use approvals

Subsection (a) states that no portion of the Act should be construed to limit or affect the authority or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts.

Subsection (b) directs the Administrator to cooperate with the Museum with respect to any zoning or other land use matter relating to development of the property in accordance with the Act. This cooperation includes consenting to applications by the Museum for applicable zoning and permitting with respect to the property.

The Administrator is not required to incur any costs with respect to cooperation under this section of the bill.

Sec 7. Reports

The Museum is required to produce an annual report, starting not later than one year after the date of enactment of this Act until the end of the five-year period following conveyance of the property or until substantial completion of the museum facility (whichever is later), to the Administrator and the Committees. The report is required to detail the development and construction activities of the Museum.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

In the 108th and 109th Congresses, bills were introduced to convey the “Pavilion Annex” of the Old Post Office Building to the National Women’s History Museum. *See* S. 1741, S. 501, and H.R. 1429. S. 1741 and S. 501 passed the Senate on November 21, 2003, and July 29, 2005, respectively. No further action was taken on the bills.

In the 110th Congress, Representative Carolyn Maloney introduced H.R. 6548, the “General Services Administration Portfolio Enhancement Act of 2008”, on July 17, 2008. H.R. 6548 would convey property in Southwest, Washington, D.C., to the National Women’s History Museum. No further action was taken on the bill. On July 20, 2007, Senator Susan Collins introduced S. 1841, the “National Women’s History Museum Act of 2007”. No further action was taken on the bill.

In the 111th Congress, Representative Carolyn Maloney introduced H.R. 1700, the “National Women’s History Museum Act of 2009”, on March 25, 2009. On September 24, 2009, the Committee on Transportation and Infrastructure met in open session and considered H.R. 1700. The Committee adopted an amendment in the nature of a substitute to the bill by voice vote with a quorum present. The Committee on Transportation and Infrastructure or-

dered H.R. 1700, as amended, reported favorably to the House by voice vote with a quorum present.

RECORD VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 1700, or ordering the bill, as amended, reported. A motion to order H.R. 1700, as amended, reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and section 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are to direct the Administrator of the General Services Administration to convey a parcel of the land in the District of Columbia to the National Women's History Museum to construct a museum.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 1700, as amended, from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 7, 2009.

Hon. JAMES L. OBERSTAR,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1700, the National Women's History Museum Act of 2009.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 1700—National Women’s History Museum Act of 2009

H.R. 1700 would permit the General Services Administration (GSA) to sell a property to the National Women’s History Museum, Inc. (a nonprofit corporation). CBO estimates that this conveyance would not have a significant net impact on the federal budget.

The bill would authorize the sale of a property bounded by 12th Street, Independence Avenue, C Street, and the James Forrestal building, in southwest Washington, D.C. The legislation would direct GSA to complete the conveyance within three years. The property would be used as the site for a new museum. Under the bill, the property would revert to the federal government if the corporation uses it for unauthorized purposes or fails to commence work on the museum within five years. Any net proceeds from the sale could be spent by GSA without further Congressional action.

Under current law, GSA can transfer surplus federal property to public entities at little or no cost to the recipient for certain purposes (such as use by another federal or local government agency) before offering the property for sale. Any cash payments resulting from public sales are deposited in the Treasury as offsetting receipts (a credit against direct spending). GSA currently controls the property which consists primarily of a small parking lot; the agency reports that it has no plans to declare the property excess to its needs. Thus, CBO does not expect the property would be conveyed for a public purpose or sold over the next 10 years under current law.

An assessment of the property’s value (upon which the sale price would be based) has not been completed and will depend on a variety of factors, including the property’s highest and best use, zoning restrictions, and a final land survey. Based on recent property sales in the District, CBO estimates that proceeds from this sale would probably total less than \$60 million. (Any costs to correct environmental contamination of the property would be deducted from the sales price.) CBO expects that GSA would spend the resulting net proceeds from the sale to maintain and renovate other federal facilities. Because GSA has a considerable backlog of such projects, we estimate that there would be no significant net budgetary impact from the legislation.

H.R. 1700 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of

the House of Representatives. H.R. 1700, as amended, does not contain any earmarks, limited tax benefits, or limited tariff benefits under clause 9(e), 9(f), or 9(g) of rule XXI.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (P.L. 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 1700, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (P.L. 104-1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 1700, as amended, makes no changes in existing law.