

106TH CONGRESS
1ST SESSION

H. R. 3069

To authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 1999

Mr. FRANKS of New Jersey (for himself, Ms. NORTON, Mr. WISE, and Mr. TRAFICANT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

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 “Southeast Federal
5 Center Public-Private Development Act of 1999”.

6 **SEC. 2. SOUTHEAST FEDERAL CENTER DEFINED.**

7 In this Act, the term “Southeast Federal Center”
8 means the site in the southeast quadrant of the District
9 of Columbia that is under the control and jurisdiction of

1 the General Services Administration and extends from
2 Issac Hull Avenue on the east to 1st Street on the west,
3 and from M Street on the north to the Anacostia River
4 on the south, excluding an area on the river at 1st Street
5 owned by the District of Columbia and a building west
6 of Issac Hull Avenue and south of Tungey Street under
7 the control and jurisdiction of the Department of the
8 Navy.

9 **SEC. 3. SOUTHEAST FEDERAL CENTER DEVELOPMENT**
10 **AUTHORITY.**

11 (a) IN GENERAL.—The Administrator of General
12 Services may enter into agreements (including leases, con-
13 tracts, cooperative agreements, limited partnerships, joint
14 ventures, trusts, and limited liability company agree-
15 ments) with a private entity to provide for the acquisition,
16 construction, rehabilitation, operation, maintenance, or
17 use of facilities located on the Southeast Federal Center
18 or such other activities related to such facilities as the Ad-
19 ministrator considers appropriate.

20 (b) TERMS AND CONDITIONS.—An agreement en-
21 tered into under this section—

22 (1) shall have as its primary purpose enhancing
23 the value of the Southeast Federal Center to the
24 United States;

1 (2) shall be negotiated pursuant to such proce-
2 dures as the Administrator considers necessary to
3 ensure the integrity of the selection process and to
4 protect the interests of the United States;

5 (3) may provide a lease option to the United
6 States to occupy any general purpose office space in
7 a facility covered under the agreement;

8 (4) shall not require, unless specifically deter-
9 mined otherwise by the Administrator, Federal own-
10 ership of a facility covered under the agreement
11 after the expiration of any lease of the facility to the
12 United States;

13 (5) shall describe the consideration, duties, and
14 responsibilities for which the United States and the
15 private entity are responsible;

16 (6) shall provide—

17 (A) that the United States will not be lia-
18 ble for any actions, debts, or liability of any
19 person created by the agreement; and

20 (B) that such person may not execute any
21 instrument or document creating or evidencing
22 any indebtedness unless such instrument or
23 document specifically disclaims any liability of
24 the United States under the instrument or doc-
25 ument; and

1 (7) shall include such other terms and condi-
2 tions as the Administrator considers appropriate.

3 (c) CONSIDERATION.—An agreement entered into
4 under this section shall be for fair consideration, as deter-
5 mined by the Administrator. Consideration under such an
6 agreement may be provided in whole or in part through
7 in-kind consideration. In-kind consideration may include
8 provision of goods or services of benefit to the United
9 States, including construction, repair, remodeling, or other
10 physical improvements of Federal facilities, maintenance
11 of Federal facilities, or the provision of office, storage, or
12 other usable space.

13 (d) PAYMENTS BY THE ADMINISTRATOR.—Any pay-
14 ment by the Administrator for the use of space or services
15 by the General Services Administration on property that
16 is subject to an agreement under this section may only
17 be made from funds made available in an annual appro-
18 priations Act to the Administrator from the Federal
19 Buildings Fund established by section 210(f) of the Fed-
20 eral Property and Administrative Services Act of 1949 (40
21 U.S.C. 490(f)). No other such payment may be made by
22 the Administrator to a private entity under an agreement
23 entered into under this section unless the authority to
24 make the payment is provided in advance in an appropria-
25 tions Act.

1 (e) CONSISTENCY WITH NATIONAL PLANNING COM-
2 MISSION PLAN.—An agreement entered into under this
3 section shall ensure that redevelopment of the Southeast
4 Federal Center is consistent, to the extent practicable (as
5 determined by the Administrator), with the objectives of
6 the National Capital Planning Commission’s vision plan
7 entitled “Extending the Legacy: Planning America’s Cap-
8 ital in the 21st Century”, adopted by the Commission in
9 November 1997.

10 (f) RELATIONSHIP TO OTHER LAWS.—

11 (1) IN GENERAL.—The authority of the Admin-
12 istrator under this section shall not be subject to—

13 (A) section 321 of the Act of June 30,
14 1932 (40 U.S.C. 303b);

15 (B) sections 202 and 203 of the Federal
16 Property and Administrative Services Act of
17 1949 (40 U.S.C. 483, 484);

18 (C) section 7(a) of the Public Buildings
19 Act of 1959 (40 U.S.C. 606(a)); or

20 (D) any other provision of law (other than
21 Federal laws relating to environmental and his-
22 toric preservation) inconsistent with this sec-
23 tion.

24 (2) UNUTILIZED OR UNDERUTILIZED PROP-
25 erty.—Any facility covered under an agreement en-

1 tered into under this section may not be considered
2 to be unutilized or underutilized for purposes of sec-
3 tion 501 of the Stewart B. McKinney Homeless As-
4 sistance Act (42 U.S.C. 11411).

5 **SEC. 4. REPORTING REQUIREMENT.**

6 (a) **IN GENERAL.**—Before entering into an agree-
7 ment under section 3, the Administrator of General Serv-
8 ices shall transmit to the Committee on Transportation
9 and Infrastructure of the House of Representatives and
10 the Committee on Environment and Public Works of the
11 Senate a report on the proposed agreement.

12 (b) **CONTENTS.**—A report transmitted under this sec-
13 tion shall include a summary of a cost-benefit analysis of
14 the proposed agreement and a description of the provisions
15 of the proposed agreement.

16 (c) **REVIEW BY CONGRESS.**—A proposed agreement
17 under section 3 may not become effective until the end
18 of a 30-day period of continuous session of Congress fol-
19 lowing the date of the transmittal of a report on the agree-
20 ment under this section. For purposes of the preceding
21 sentence, continuity of a session of Congress is broken
22 only by an adjournment sine die, and there shall be ex-
23 cluded from the computation of such 30-day period any
24 day during which either House of Congress is not in ses-

1 sion during an adjournment of more than 3 days to a day
2 certain.

3 **SEC. 5. USE OF PROCEEDS.**

4 (a) PROCEEDS.—Funds received by the Adminis-
5 trator of General Services under an agreement entered
6 into under section 3 and remaining after any deduction
7 from the funds under subsection (b) shall be deposited in
8 the Federal Buildings Fund established by section 210(f)
9 of the Federal Property and Administrative Services Act
10 of 1949 (40 U.S.C. 490(f)).

11 (b) REIMBURSEMENT OF EXPENSES.—An amount
12 sufficient to pay for any expenses incurred by the Admin-
13 istrator in any fiscal year in connection with an agreement
14 entered into under section 3 shall be deducted from the
15 proceeds of the agreement for that fiscal year and may
16 be used by the Administrator to reimburse the account
17 from which the funds were used to pay such expenses.

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