

# Union Calendar No. 320

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3171

[Report No. 106-590]

To direct the Administrator of General Services to convey a parcel of land in the District of Columbia to be used for construction of the National Health Museum, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 1999

Mr. FRANKS of New Jersey introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

APRIL 13, 2000

Additional sponsor: Mrs. FOWLER

APRIL 13, 2000

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on October 28, 1999]

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## A BILL

To direct the Administrator of General Services to convey a parcel of land in the District of Columbia to be used for construction of the National Health Museum, 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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Health Mu-*  
5 *seum Site Selection Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act, the following definitions apply:*

8 (1) *ADMINISTRATOR.*—*The term “Adminis-*  
9 *trator” means the Administrator of General Services.*

10 (2) *EXCESS PROPERTY.*—*The term “excess real*  
11 *property” has the meaning given such term by section*  
12 *3 of the Federal Property and Administrative Serv-*  
13 *ices Act of 1949 (40 U.S.C. 472).*

14 (3) *MUSEUM.*—*The term “Museum” means the*  
15 *National Health Museum, Incorporated, a District of*  
16 *Columbia nonprofit corporation exempt from Federal*  
17 *income taxation under section 501(c)(3) of the Inter-*  
18 *nal Revenue Code of 1986.*

19 (4) *PROPERTY.*—*The term “property” means the*  
20 *excess real property identified under section 3(a)(1).*

21 **SEC. 3. CONVEYANCE OF PROPERTY.**

22 (a) *AUTHORITY TO CONVEY.*—

23 (1) *IDENTIFICATION OF PROPERTY.*—*Not later*  
24 *than 5 years after the date of enactment of this Act*  
25 *and subject to the written concurrence of the Museum,*

1        *the Administrator may identify a parcel of excess real*  
2        *property, including any improvements thereon, lo-*  
3        *cated in the District of Columbia to be conveyed*  
4        *under paragraph (2).*

5            (2) *CONVEYANCE.—Subject to the requirements of*  
6        *this Act, the Administrator may convey to the Mu-*  
7        *seum all rights, title, and interest of the United States*  
8        *in and to the property identified under paragraph*  
9        *(1).*

10           (3) *RELATIONSHIP TO OTHER LAWS.—The au-*  
11        *thority of the Administrator under this section shall*  
12        *not be subject to—*

13                (A) *sections 202 and 203 of the Federal*  
14        *Property and Administrative Services Act of*  
15        *1949 (40 U.S.C. 483, 484);*

16                (B) *section 501 of the Stewart B. McKinney*  
17        *Homeless Assistance Act (42 U.S.C. 11411); or*

18                (C) *any other provision of law (other than*  
19        *Federal laws relating to environmental and his-*  
20        *toric preservation) inconsistent with this Act.*

21            (b) *PURPOSE OF CONVEYANCE.—The purpose of the*  
22        *conveyance shall be to provide a site for the construction*  
23        *and operation of a new building to serve as the National*  
24        *Health Museum, including associated office, educational,*  
25        *conference center, and visitor and community services.*

1       (c) *PROHIBITION ON LOBBYING ACTIVITIES.*—As a  
2 condition of the conveyance, the Museum shall agree that  
3 no part of the property will be used, during the 99-year  
4 period beginning on the date of conveyance, for activities  
5 to attempt to influence the passage or defeat of any legisla-  
6 tion by Congress or the legislature of any State.

7       (d) *DATE OF CONVEYANCE.*—

8           (1) *NOTIFICATION.*—If the Administrator identi-  
9 fies a parcel of property under subsection (a)(1), not  
10 later than 120 days after the date of such identifica-  
11 tion, the Museum shall notify the Administrator in  
12 writing of the date on which the Museum will accept  
13 conveyance of the property.

14           (2) *DATE.*—The date of conveyance shall be not  
15 less than 270 days and not more than 1 year after  
16 the date of the notice.

17           (3) *EFFECT OF FAILURE TO NOTIFY.*—If the Mu-  
18 seum fails to provide the notice to the Administrator  
19 by the date described in paragraph (1), the property  
20 shall not be conveyed under this Act.

21           (4) *MAINTENANCE OF PROPERTY.*—The Adminis-  
22 trator shall continue to maintain the property until  
23 the date of conveyance under this subsection.

24       (e) *QUITCLAIM DEED.*—The property shall be conveyed  
25 to the Museum vacant and by quitclaim deed.

1       (f) *CONVEYANCE TERMS.*—

2               (1) *IN GENERAL.*—*The conveyance shall be sub-*  
3 *ject to such terms and conditions as the Adminis-*  
4 *trator determines necessary to safeguard the interests*  
5 *of the United States. Such terms and conditions shall*  
6 *be consistent with the terms and conditions set forth*  
7 *in this Act.*

8               (2) *PURCHASE PRICE.*—

9                       (A) *IN GENERAL.*—*The purchase price for*  
10 *the property shall be the fair market value of the*  
11 *property determined in accordance with uniform*  
12 *standards of appraisal practices based on the*  
13 *highest and best use of the property. The pur-*  
14 *chase price shall be paid in full to the Adminis-*  
15 *trator on or before the date of conveyance of the*  
16 *property and before occupancy of the property by*  
17 *the Museum.*

18                       (B) *TIMING; APPRAISERS.*—*The determina-*  
19 *tion of fair market value shall be made in the*  
20 *270-day period preceding the date of conveyance*  
21 *of the property. The determination shall be made*  
22 *by a qualified appraiser selected by the Adminis-*  
23 *trator.*

24                       (C) *REPORT TO CONGRESS.*—*If the Admin-*  
25 *istrator identifies a parcel of property under*

1 subsection (a)(1), Promptly upon the determina-  
2 tion of the purchase price, and in any event at  
3 least 60 days in advance of the date of convey-  
4 ance of the property, the Administrator shall  
5 transmit to the Committee on Transportation  
6 and Infrastructure of the House of Representa-  
7 tives and the Committee on Environment and  
8 Public Works of the Senate a report identifying  
9 the purchase price, together with a copy of the  
10 retention and disposal study conducted by Ad-  
11 ministrator with respect to the property.

12 (D) TREATMENT OF AMOUNTS RECEIVED.—

13 Net proceeds from the conveyance shall be depos-  
14 ited into, administered, and expended, subject to  
15 appropriations Acts, as part of the fund estab-  
16 lished by section 210(f) of the Federal Property  
17 and Administrative Services Act of 1949 (40  
18 U.S.C. 490(f)). In this subparagraph, the term  
19 “net proceeds from the conveyance” means the  
20 proceeds from the conveyance minus the expenses  
21 incurred by the Administrator with respect to  
22 the conveyance.

23 (3) SATELLITE MUSEUM.—As a condition of the  
24 conveyance, the Administrator shall receive assur-  
25 ances satisfactory to the Administrator that—

1           (A) the Museum will establish, operate, and  
2           maintain a satellite museum on Ellis Island,  
3           New Jersey, for the same purposes and subject to  
4           the same limitations as the National Health Mu-  
5           seum;

6           (B) such activities will be carried out in  
7           consultation with appropriate State and Federal  
8           departments and agencies and in conjunction  
9           with other redevelopment activities on Ellis Is-  
10          land; and

11          (C) not later than 4 years after the date of  
12          the conveyance, in order to provide for the sat-  
13          ellite museum, the Museum—

14               (i) will commence construction of the  
15               satellite museum;

16               (ii) will commence renovation of a fa-  
17               cility of the National Park Service and,  
18               upon completion of the renovation, will pay  
19               operation and maintenance costs associated  
20               with the facility; or

21               (iii) has entered into an agreement to  
22               take occupancy of a facility of the National  
23               Park Service that has been renovated by the  
24               National Park Service and, upon taking

1            *such occupancy, will pay all rents associ-*  
2            *ated with the facility.*

3            *(h) STATUTORY CONSTRUCTION.—Nothing in this sec-*  
4            *tion may be construed to authorize the conveyance of any*  
5            *right, title, or interest of the United States in or to real*  
6            *property on Ellis Island, New Jersey.*

7            **SEC. 4. REVERSIONARY INTEREST IN THE UNITED STATES.**

8            *(a) IN GENERAL.—The property, at the option of the*  
9            *Administrator, may revert to the United States if—*

10            *(1) during the 3-year period beginning on the*  
11            *date of conveyance of the property, the Museum does*  
12            *not commence construction on the property, other*  
13            *than for a reason not within the control of the Mu-*  
14            *seum;*

15            *(2) during the 99-year period beginning on the*  
16            *date of conveyance of the property, the property is*  
17            *used for a purpose not authorized by section 3(b);*

18            *(3) during the 99-year period beginning on the*  
19            *date of conveyance of the property, the property is*  
20            *used for a lobbying activity in violation of section*  
21            *3(c);*

22            *(4) during the 4-year period beginning on the*  
23            *date of conveyance of the property, the Museum does*  
24            *not commence construction of, or renovation of exist-*  
25            *ing facilities for, a satellite museum under section*



1       3(f)(3), other than for a reason not within the control  
2       of the Museum;

3               (5) during the 50-year period beginning on the  
4       date of conveyance of the property, the satellite mu-  
5       seum established under section 3(f)(3) is not operated  
6       in accordance with such section, other than for a rea-  
7       son not within the control of the Museum; or

8               (6) the Museum ceases to be exempt from Federal  
9       income taxation as an organization described in sec-  
10      tion 501(c)(3) of the Internal Revenue Code of 1986.

11      (b) *REPAYMENT*.—If the property reverts to the United  
12      States, the United States shall repay the Museum the lesser  
13      of—

14              (1) the full purchase price for the property  
15      (without interest) less any expenses incurred by the  
16      United States with respect to the reversion; or

17              (2) the market value of the property on the date  
18      of the reversion (as determined by a qualified ap-  
19      praiser selected by the Administrator) less any ex-  
20      penses incurred by the United States with respect to  
21      the reversion.

22      (c) *ENFORCING REVERSION*.—The Administrator shall  
23      perform all acts necessary to enforce any reversion of prop-  
24      erty to the United States under this section.

1       (d) *INVENTORY OF PUBLIC BUILDINGS SERVICE.*—  
2 *Property that reverts to the United States under this*  
3 *section—*

4           (1) *shall be under the control of the General*  
5 *Services Administration; and*

6           (2) *shall be assigned by the Administrator to the*  
7 *inventory of the Public Buildings Service.*

8 **SEC. 5. AUTHORITY OF MUSEUM OVER PROPERTY.**

9       *After the date of conveyance of the property under this*  
10 *Act, the Museum may—*

11           (1) *demolish or renovate any existing or future*  
12 *improvement on the property;*

13           (2) *build, own, operate, and maintain new im-*  
14 *provements on the property;*

15           (3) *finance and mortgage the property on cus-*  
16 *tomary terms and conditions; and*

17           (4) *manage the property in furtherance of this*  
18 *Act.*

19 **SEC. 6. LAND USE APPROVALS.**

20       (a) *EFFECT ON OTHER AUTHORITY.*—*Nothing in this*  
21 *section may be construed to limit the authority of the Na-*  
22 *tional Capital Planning Commission or the Commission of*  
23 *Fine Arts.*

24       (b) *COOPERATION CONCERNING ZONING.*—

1           (1) *IN GENERAL.*—*The United States shall co-*  
2           *operate with the Museum with respect to any zoning*  
3           *or other administrative matter relating to—*

4                     (A) *the development or improvement of the*  
5           *property; or*

6                     (B) *the demolition of any improvement on*  
7           *the property as of the date of enactment of this*  
8           *Act.*

9           (2) *ZONING APPLICATIONS.*—*Cooperation under*  
10          *paragraph (1) shall include making, joining in, or*  
11          *consenting to any application required to facilitate*  
12          *the zoning of the property.*

13 **SEC. 7. ENVIRONMENTAL HAZARDS.**

14          *Costs of remediation of any environmental hazards ex-*  
15          *isting on the property before the date of conveyance of the*  
16          *property under this Act, including all asbestos-containing*  
17          *materials, shall be borne by the United States. Environ-*  
18          *mental remediation shall begin as soon as practicable fol-*  
19          *lowing identification of the property under section 3(a)(1)*  
20          *and shall be completed before the date of conveyance of the*  
21          *property. The responsibilities of the United States under*  
22          *this section shall terminate on the date of conveyance of*  
23          *the property.*

1 **SEC. 8. REPORTS.**

2       *Not later than 1 year after the date of enactment of*  
3 *this Act, and annually thereafter until the expiration of the*  
4 *2-year period following the date on which the satellite mu-*  
5 *seum described in section 3(f)(3) opens to the public, the*  
6 *Museum shall submit a report on the status of the National*  
7 *Health Museum to the Administrator, the Committee on*  
8 *Transportation and Infrastructure of the House of Rep-*  
9 *resentatives, and the Committee on Environment and Pub-*  
10 *lic Works of the Senate.*

Amend the title so as to read: “A bill to authorize the Administrator of General Services to convey excess real property in the District of Columbia to be used for construction of the National Health Museum, and for other purposes.”.

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106TH CONGRESS  
2D SESSION

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**[Report No. 106-590]**

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APRIL 13, 2000

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed