

111TH CONGRESS
1ST SESSION

S. 2129

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.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. GRASSLEY, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Mrs. LINCOLN, Mr. VOINOVICH, Ms. CANTWELL, Ms. STABENOW, Ms. MURKOWSKI, Mr. PRYOR, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. HAGAN, Mrs. SHAHEEN, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 4, 2009

Committee discharged; 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.

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 Act of 2009”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act, the following definitions apply:

6 (1) **ADMINISTRATOR.**—The term “Adminis-
7 trator” means the Administrator of General Serv-
8 ices.

9 (2) **CERCLA.**—The term “CERCLA” means
10 the Comprehensive Environmental Response, Com-
11 pensation, and Liability Act of 1980 (42 U.S.C.
12 9601 et seq.).

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

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

23 (5) **PROPERTY.**—The term “Property” means
24 the property located in the District of Columbia,
25 subject to survey and as determined by the Adminis-
26 trator, generally consisting of Squares 325 and 326.

1 The Property is generally bounded by 12th Street,
2 Independence Avenue, C Street, and the James For-
3 restal Building, all in Southwest Washington, Dis-
4 trict of Columbia, and shall include all associated air
5 rights, improvements thereon, and appurtenances
6 thereto.

7 **SEC. 3. CONVEYANCE OF PROPERTY.**

8 (a) **AUTHORITY TO CONVEY.**—

9 (1) **IN GENERAL.**—Subject to the requirements
10 of this Act, the Administrator shall convey the Prop-
11 erty to the Museum, on such terms and conditions
12 as the Administrator considers reasonable and ap-
13 propriate to protect the interests of the United
14 States and further the purposes of this Act.

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

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

25 (b) **PURCHASE PRICE.**—

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

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

9 (3) TERMS AND CONDITIONS FOR APPRAISAL.—

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

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

20 (c) APPLICATION OF PROCEEDS.—The purchase
21 price shall be paid into the Federal Buildings Fund estab-
22 lished under section 592 of title 40, United States Code.
23 Upon deposit, the Administrator may expend, in amounts
24 specified in appropriations Acts, the proceeds from the
25 conveyance for any lawful purpose consistent with existing

1 authorities granted to the Administrator; except that the
2 Administrator shall provide the Committees with 30 days
3 advance written notice of any expenditure of the proceeds.

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

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

10 (f) REVERSION.—

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

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

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

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

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

8 (g) CLOSING.—The conveyance pursuant to this Act
 9 shall occur not later than 3 years after the date of enact-
 10 ment of this Act. The Administrator may extend that pe-
 11 riod for such time as is reasonably necessary for the Mu-
 12 seum to perform its obligations under section 4(a).

13 **SEC. 4. ENVIRONMENTAL MATTERS.**

14 (a) AUTHORIZATION TO CONTRACT FOR ENVIRON-
 15 MENTAL RESPONSE ACTIONS.—The Administrator is au-
 16 thorized to contract, in an amount not to exceed the pur-
 17 chase price for the Property, in the absence of appropria-
 18 tions and otherwise without regard to section 1341 of title
 19 31, United States Code, with the Museum or an affiliate
 20 thereof for the performance (on behalf of the Adminis-
 21 trator) of response actions (if any) required on the Prop-
 22 erty pursuant to CERCLA.

23 (b) CREDITING OF RESPONSE COSTS.—Any costs in-
 24 curred by the Museum or an affiliate thereof pursuant to

1 subsection (a) shall be credited to the purchase price for
2 the Property.

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

7 **SEC. 5. INCIDENTAL COSTS.**

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

14 **SEC. 6. LAND USE APPROVALS.**

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

19 (b) COOPERATION.—

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

1 the Museum for applicable zoning and permitting
2 with respect to the property.

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

9 **SEC. 7. REPORTS.**

10 Not later than 1 year after the date of enactment
11 of this Act, and annually thereafter until the end of the
12 5-year period following conveyance of the Property or until
13 substantial completion of the museum facility (whichever
14 is later), the Museum shall submit annual reports to the
15 Administrator and the Committees detailing the develop-
16 ment and construction activities of the Museum with re-
17 spect to this Act.

○