

**Calendar No. 445**

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

**S. 2129**

**[Report No. 111–216]**

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.

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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, Mr. BEGICH, Mr. AKAKA, and Mr. CARDIN) 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

JUNE 28, 2010

Reported by Mrs. BOXER, with amendments

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**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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Women’s His-  
 5       tory Museum Act of 2009”.

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 Serv-  
 10      ices.

11              (2) CERCLA.—The term “CERCLA” means  
 12      the Comprehensive Environmental Response, Com-  
 13      pensation, and Liability Act of 1980 (42 U.S.C.  
 14      9601 et seq.).

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

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

1           (5) PROPERTY.—The term “Property” means  
2       the property located in the District of Columbia,  
3       subject to survey and as determined by the Adminis-  
4       trator, generally consisting of Squares 325 and 326.  
5       The Property is generally bounded by 12th Street,  
6       Independence Avenue, C Street, and the James For-  
7       restal Building, all in Southwest Washington, Dis-  
8       trict of Columbia, and shall include all associated air  
9       rights, improvements thereon, and appurtenances  
10      thereto.

11 **SEC. 3. CONVEYANCE OF PROPERTY.**

12       (a) AUTHORITY TO CONVEY.—

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

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

23           (3) TERMS AND CONDITIONS.—The terms and  
24      conditions of the agreement shall address, among  
25      other things, mitigation of developmental impacts to

1 existing Federal buildings and structures, security  
2 concerns, and operational protocols for development  
3 and use of the property.

4 (b) PURCHASE PRICE.—

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

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

13 (3) TERMS AND CONDITIONS FOR APPRAISAL.—

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

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

24 (c) APPLICATION OF PROCEEDS.—The purchase  
25 price shall be paid into the Federal Buildings Fund estab-

1 lished under section 592 of title 40, United States Code.  
 2 Upon deposit, the Administrator may expend, in amounts  
 3 specified in appropriations Acts, the proceeds from the  
 4 conveyance for any lawful purpose consistent with existing  
 5 authorities granted to the Administrator; except that the  
 6 Administrator shall provide the Committees with 30 days  
 7 advance written notice of any expenditure of the proceeds.

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

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

14 (f) REVERSION.—

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

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

24 (B) the Museum has not commenced con-  
 25 struction of a museum facility on the Property

1 in the 5-year period beginning on the date of  
 2 enactment of this Act, other than for reasons  
 3 beyond the control of the Museum as reason-  
 4 ably determined by the Administrator.

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

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

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

17 **SEC. 4. ENVIRONMENTAL MATTERS.**

18 (a) AUTHORIZATION TO CONTRACT FOR ENVIRON-  
 19 MENTAL RESPONSE ACTIONS.—The Administrator is au-  
 20 thorized to contract, ~~in an amount not to exceed the pur-~~  
 21 ~~chase price for the Property, in the absence of appropria-~~  
 22 ~~tions and otherwise without regard to section 1341 of title~~  
 23 ~~31, United States Code,~~ with the Museum or an affiliate  
 24 thereof for the performance (on behalf of the Adminis-

1 trator) of response actions ~~(if any) required on the Prop-~~  
 2 ~~erty pursuant to CERCLA~~ *on the Property.*

3 (b) CREDITING OF RESPONSE COSTS.—Any costs in-  
 4 curred by the Museum or an affiliate thereof pursuant to  
 5 subsection (a) shall be credited to the purchase price for  
 6 the Property.

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

11 *(c) NO EFFECT ON COMPLIANCE WITH ENVIRON-*  
 12 *MENTAL LAWS.—Nothing in this Act, or any amendment*  
 13 *made by this Act, affects or limits the application of or obli-*  
 14 *gation to comply with any environmental law, including*  
 15 *section 120(h) of CERCLA (42 U.S.C. 9620(h)).*

## 16 **SEC. 5. INCIDENTAL COSTS.**

17 Subject to section 4, the Museum shall bear any and  
 18 all costs associated with complying with the provisions of  
 19 this Act, including studies and reports, surveys, relocating  
 20 tenants, and mitigating impacts to existing Federal build-  
 21 ings and structures resulting directly from the develop-  
 22 ment of the property by the Museum.

## 23 **SEC. 6. LAND USE APPROVALS.**

24 (a) EXISTING AUTHORITIES.—Nothing in this Act  
 25 shall be construed as limiting or affecting the authority

1 or responsibilities of the National Capital Planning Com-  
2 mission or the Commission of Fine Arts.

3 (b) COOPERATION.—

4 (1) ZONING AND LAND USE.—Subject to para-  
5 graph (2), the Administrator shall reasonably co-  
6 operate with the Museum with respect to any zoning  
7 or other land use matter relating to development of  
8 the Property in accordance with this Act. Such co-  
9 operation shall include consenting to applications by  
10 the Museum for applicable zoning and permitting  
11 with respect to the property.

12 (2) LIMITATIONS.—The Administrator shall not  
13 be required to incur any costs with respect to co-  
14 operation under this subsection and any consent pro-  
15 vided under this subsection shall be premised on the  
16 property being developed and operated in accordance  
17 with this Act.

18 **SEC. 7. REPORTS.**

19 Not later than 1 year after the date of enactment  
20 of this Act, and annually thereafter until the end of the  
21 5-year period following conveyance of the Property or until  
22 substantial completion of the museum facility (whichever  
23 is later), the Museum shall submit annual reports to the  
24 Administrator and the Committees detailing the develop-



- 1 ment and construction activities of the Museum with re-
- 2 spect to this Act.

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