

**Calendar No. 37**112TH CONGRESS  
1ST SESSION**S. 680****[Report No. 112-14]**

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

MARCH 30, 2011

Ms. COLLINS (for herself, Ms. MIKULSKI, Mrs. BOXER, Mrs. HUTCHISON, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Ms. STABENOW, Ms. CANTWELL, Ms. MURKOWSKI, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. LIEBERMAN, Mr. AKAKA, Mr. PRYOR, Mr. MERKLEY, Mr. BEGICH, Mrs. FEINSTEIN, Ms. AYOTTE, Mrs. HAGAN, Mrs. MCCASKILL, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

MAY 2, 2011

Reported by Mrs. BOXER, with amendments

[Omit the part struck through and insert the part printed in italic]

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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 2011”.

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).~~ *or*  
24 *any other hazardous waste or pollutant that re-*

1            *quires a response action or corrective action*  
 2            *under any applicable environmental law.*

3            (c) APPLICATION OF PROCEEDS.—The purchase  
 4 price shall be paid into the Federal Buildings Fund estab-  
 5 lished under section 592 of title 40, United States Code.  
 6 Upon deposit, the Administrator may expend, in amounts  
 7 specified in authorizations and appropriations Acts, the  
 8 proceeds from the conveyance for any lawful purpose con-  
 9 sistent with existing authorities granted to the Adminis-  
 10 trator.

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

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

17            ~~(f) FUNDING RESTRICTION.—No Federal funds shall~~  
 18 ~~be made available to the Museum for the purchase of the~~  
 19 ~~Property or the design and construction of any facility on~~  
 20 ~~the Property.~~

21            (f) *FUNDING RESTRICTION.—No Federal funds shall be*  
 22 *made available—*

23                    (1) *to the Museum for—*

24                            (A) *the purchase of the Property; or*

1                   (B) *the design and construction of any fa-*  
 2                   *cility on the Property; or*

3                   (2) *by the Museum or any affiliate of the Mu-*  
 4                   *seum as a credit pursuant to section 4(b).*

5           (g) REVERSION.—

6                   (1) BASES FOR REVERSION.—The Property  
 7                   shall revert to the United States, at the option of  
 8                   the United States, without any obligation for repay-  
 9                   ment by the United States of any amount of the  
 10                  purchase price for the property, if—

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

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

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

24                   (3) CUSTODY OF PROPERTY UPON REVER-  
 25                   SION.—If the Property reverts to the United States

1 pursuant to this section, such property shall be  
 2 under the custody and control of the Administrator.

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

8 **SEC. 4. ENVIRONMENTAL MATTERS.**

9 (a) AUTHORIZATION TO CONTRACT FOR ENVIRON-  
 10 MENTAL RESPONSE ACTIONS.—~~The Administrator is au-~~  
 11 ~~thorized to contract with the Museum or an affiliate there-~~  
 12 ~~of~~ *In fulfilling the responsibility of the Administrator to*  
 13 *address contamination on the Property, the Administrator*  
 14 *may contract with the Museum or an affiliate of the Mu-*  
 15 *seum for the performance (on behalf of the Administrator)*  
 16 *of response actions on the Property.*

17 (b) CREDITING OF RESPONSE COSTS.—~~Any costs~~

18 (1) *IN GENERAL.*—*Any costs* incurred by the  
 19 Museum or an affiliate ~~thereof~~ *of the Museum using*  
 20 *non-Federal funds* pursuant to subsection (a) shall  
 21 be credited to the purchase price for the Property.

22 (2) *LIMITATION.*—*A credit under paragraph (1)*  
 23 *shall not exceed the purchase price of the Property.*

24 (c) NO EFFECT ON COMPLIANCE WITH ENVIRON-  
 25 MENTAL LAWS.—Nothing in this Act, or any amendment

1 made by this Act, affects or limits the application of or  
2 obligation to comply with any environmental law, including  
3 section 120(h) of CERCLA (42 U.S.C. 9620(h)).

4 **SEC. 5. INCIDENTAL COSTS.**

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

11 **SEC. 6. LAND USE APPROVALS.**

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

16       (b) **COOPERATION.**—

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



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

7 **SEC. 7. REPORTS.**

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

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1<sup>ST</sup> Session

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