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NATIONAL WOMEN'S HISTORY MUSEUM ACT OF 2009

JUNE 28, 2010.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany H.R. 1700]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (H.R. 1700) 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, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

PURPOSES OF THE LEGISLATION

H.R. 1700, as amended, authorizes 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.

GENERAL STATEMENT AND BACKGROUND

H.R. 1700, as amended, directs the Administrator of General Services to sell, at fair market value, real property in southwest Washington, DC, commonly known as the "Cotton Annex" site, to the National Women's History Museum, Inc. (NWHM) for the purpose of establishing a museum dedicated to women's history. The site is bounded by 12th Street SW., Independence Ave., the James Forrestal Building, and C Street SW. The NWHM is a nonprofit, nonpartisan educational institution located in Washington, DC with a mission of highlighting, and celebrating historic contributions of women in the United States.

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H.R. 1700 directs the Administrator to convey the property to the NWHM at a fair market value of the highest and best use of the parcel, as determined by an independent appraisal. The Administrator will commission the appraisal and the NWHM will pay for the appraisal. The NWHM will have five years to raise funds to construct the museum. If, after five years, the fundraising has not been successful, the property will revert back to the Federal Government. The Federal Government's interest in the parcel is further protected by limiting use of the parcel as a site for the National Women's History Museum for 99 years.

The NWHM has been seeking a permanent physical location in the Nation's capital since its inception. According to the NWHM, it intends to privately fund the construction of a "green" building that will cost between $250 million and $350 million. The costs will include design, planning, construction, and two years of operation. The permanent museum is expected to be a focal point that will have permanent and temporary exhibits, special events, and educational materials that highlight women's social, political, and intellectual contributions to history.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that the short title of the bill is the "National Women's History Museum Act of 2009".

Sec 2. Definitions

Section 2 contains definitions for terms used in the bill.

Sec 3. Conveyance of property

Section 3 defines the process and standards applicable to the conveyance of the property.

Subsection (a) directs the Administrator convey the property to the Museum on such terms and conditions that the Administrator deems reasonable and appropriate to protect the interests of the United States. As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Administrator is directed to enter into an agreement with the Museum for the conveyance. The terms and conditions of the agreement shall address, among other things, mitigation of developmental impacts to existing Federal buildings and structures, security concerns, and operational protocols for development and use of the property.

Subsection (b) states that the purchase price for the property shall be its fair market value based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Museum. The appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Museum. The assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Museum.

Subsection (c) states the purchase price shall be paid into the Federal Buildings Fund established under 40 U.S.C. Sec. 592.

Subsection (d) states the property shall be conveyed pursuant to a quit claim deed.

Subsection (e) states that the property must be used only as a site for a national woman's history museum for the 99-year period beginning on the date of conveyance to the Museum.

Subsection (f) states the basis of reversion. The property shall revert to the United States, at the option of the United States, without any obligation for repayment by the United States of any amount of the purchase price for the property, if the property is not used as a site for a national women's history museum at any time during the 99-year period referred to in subsection (e), or if the Museum has not commenced construction of a women's history museum in the five-year period beginning on the date of enactment of this Act, other than for reasons beyond the control of the Museum, as reasonably determined by the Administrator. Subsection (f) also grants the Administrator the authority to perform any acts necessary to enforce the reversionary rights provided in this section. If any portion of the property reverts to the United States pursuant to this section, such property shall be under the custody and control of the Administrator.

Subsection (g) states that the conveyance pursuant to this Act shall occur not later than three years after the date of enactment of this Act, though the Administrator may extend this period for such time as is reasonably necessary for the Museum to perform its obligations.

Sec 4. Environmental matters

Subsection (a) states that the Administrator is authorized to contract with the Museum or an affiliate for any needed environmental cleanup of the parcel.

Subsection (b) states that any costs incurred by the Museum or an affiliate for the environmental cleanup of the property will be credited to the purchase price for the property.

Subsection (c) states that nothing in this Act, or any amendment made by this Act, affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of CERCLA.

Sec 5. Incidental costs

Section 5 states that the Museum must pay for all costs associated with complying with the provisions of this Act, including: relocating existing tenants; related studies, reports, surveys; and mitigating impacts to existing Federal buildings and structures.

Sec 6. Land use approvals

Subsection (a) states that no portion of the Act should be construed to limit or affect the authority or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts.

Subsection (b) directs the Administrator to cooperate with the Museum with respect to any zoning or other land use matter relating to the development of the property in accordance with the Act. This cooperation includes consenting to applications by the Museum for applicable zoning and permitting with respect to the property.

The Administrator is not required to incur any costs with respect to cooperation under this section of the bill.

Sec 7. Reports

Section 7 states that the Museum must produce an annual report, starting not later than one year after the date of enactment of this Act until the end of the five-year period following conveyance of the property or until substantial completion of the museum facility (whichever is later), to the Administrator and the Committees. The report is required to detail the development and construction activities of the Museum.

LEGISLATIVE HISTORY

In the 108th and 109th Congresses, bills were introduced to convey the "Pavilion Annex" of the Old Post Office Building to the National Women's History Museum. See S. 1741, S. 501, and H.R. 1429. S. 1741 and S. 501 passed the Senate on November 21, 2003, and July 29, 2005, respectively. No further action was taken on the bills.

In the 110th Congress, Representative Carolyn Maloney introduced H.R. 6548, the "General Services Administration Portfolio Enhancement Act of 2008", on July 17, 2008. H.R. 6548 would convey the Cotton Annex property in Southwest, Washington, DC, to the National Women's History Museum. No further action was taken on the bill. On July 20, 2007, Senator Susan Collins introduced S. 1841, the "National Women's History Museum Act of 2007". No further action was taken on the bill.

In the 111th Congress, Representative Carolyn Maloney introduced H.R. 1700, the "National Women's History Museum Act of 2009", on March 25, 2009. The House Committee on Transportation and Infrastructure, to whom was referred H.R. 1700, reported the bill, as amended, on October 8, 2009. H.R. 1700 passed the House on October 14, 2009.

ROLLCALL VOTES

On April 21, 2010, the Committee on Environment and Public Works met and considered H.R. 1700. The Committee adopted by voice vote an amendment to the bill that made technical changes to the text and clarified the bill's intent to ensure consistency with existing laws. The Committee on Environment and Public Works ordered H.R. 1700, as amended, reported favorably to the Senate by voice vote with a quorum present. There were no rollcall votes taken in Committee on this bill.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes evaluation of the regulatory impact of the reported bill. The Committee finds that this legislation, which authorizes the transfer of federal property for purposes of a national women's history museum, does not have substantial regulatory impacts.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Committee finds that this legislation does not impose intergovernmental mandates or private sector mandates as those terms are defined in UMRA. The Congressional Budget Office

concurs, finding "H.R. 1700 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments."

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

APRIL 28, 2010.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1700, the National Women's History Museum Act of 2009.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 1700—National Women's History Museum Act of 2009

Summary: H.R. 1700 would direct the General Services Administration (GSA) to sell a piece of federal property located in Washington, D.C., to the National Women's History Museum, Inc. (a nonprofit corporation).

CBO estimates that this conveyance would not have a significant net impact on the federal budget over the next five years. Enacting H.R. 1700 could affect direct spending; therefore, pay-as-you-go procedures would apply to the legislation, but CBO estimates that any effects would not be significant.[1] Enacting H.R. 1700 would not affect revenues.

H.R. 1700 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1700 is shown in the following table. The costs of this legislation fall within budget function 800 (general government).

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
CHANGES IN DIRECT SPENDING													
Sale of Property:													
Estimated Budget Authority	0	0	0	-50	0	0	0	0	0	0	0	-50	-50
Estimated Outlays	0	0	0	-50	0	0	0	0	0	0	0	-50	-50

[1] The net deficit effects over the 2010–2014 period and over the 2010–2019 period are relevant for the purposes of enforcing the current pay-as-you-go rules in the Senate and the House of Representatives. CBO estimates that the net impact would be zero over both of those periods.

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Spending of Sales Proceeds by GSA:													
Estimated Budget Authority	0	0	0	50	0	0	0	0	0	0	0	50	50
Estimated Outlays	0	0	0	38	12	0	0	0	0	0	0	50	50
Total Changes:													
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	0	0	0	-12	12	0	0	0	0	0	0	0	0

Basis of estimate: For this estimate, CBO assumes that H.R. 1700 will be enacted in 2010 and that spending will follow historical patterns for the repair and maintenance of GSA facilities.

H.R. 1700 would authorize the sale of a federal property near the James Forrestal building, in southwest Washington, D.C. The legislation would direct GSA to complete the conveyance within three years. A condition of the sale is that the property would be used as the site for a new museum. Under H.R. 1700, the property would revert to the federal government if the corporation uses it for any unauthorized proposes or fails to commence work on the museum within five years after enactment of H.R. 1700. Any net proceeds from the sale could be spent by GSA to repair and maintain other facilities without further appropriation.

Under current law, GSA can transfer surplus federal property to public entities at little or no cost to a recipient for certain purposes (such as use by another federal or local government agency) before offering the property for sale. Any cash payments resulting from public sales are deposited in the Treasury as offsetting receipts (a credit against direct spending). GSA currently controls the property near the James Forrestal building, which consists primarily of a small parking lot; the agency reports that it has no plans to declare the property excess to its needs. Thus, CBO does not expect that the property would be conveyed for a public purpose or sold over the next 10 years under current law.

An assessment of the property's value has not been completed and would depend on a variety of factors, including the property's highest and best use, zoning restrictions, and a final land survey. Based on recent property sales in the District, CBO estimates that proceeds from this sale would probably total less than $60 million.

Under the legislation, any costs to correct environmental contamination of the property would be deducted from the sales price. CBO expects that GSA would spend the remaining proceeds (about $50 million) from the sale to maintain and renovate other federal facilities. Because GSA has a considerable backlog of such projects, we estimate that there would be no significant net budgetary impact from enacting legislation over both the 2010–2015 and 2010–2020 periods.

Pay-As-You-Go Considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget reporting and enforcement procedures for legislation affecting direct spending or revenues. H.R. 1700

could affect direct spending from the sale of property (a credit against direct spending) and the spending of those receipts. The net changes in the deficit that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 1700, THE NATIONAL WOMEN'S HISTORY MUSEUM ACT OF 2009, AS ORDERED REPORTED BY THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS ON APRIL 21, 2010.

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	NET INCREASE OR DECREASE (·) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	0	0	0	·12	12	0	0	0	0	0	0	0	0

Intergovernmental and private-sector impact: H.R. 1700 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On October 7, 2009, CBO transmitted a cost estimate for H.R. 1700 as ordered reported by the House Committee on Transportation and Infrastructure on September 24, 2009. The two pieces of legislation are similar and their estimated costs are the same.

Estimate prepared by: Federal Costs: Matthew Pickford; Impact on State, Local, and Tribal Governments: Elizabeth Cove Delisle; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

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