

109TH CONGRESS
1ST SESSION

H. R. 3448

To authorize and direct the Secretary of the Department of Commerce to acquire a professional services building and property adjacent to the Department of Commerce's Boulder research campus.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2005

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Science

A BILL

To authorize and direct the Secretary of the Department of Commerce to acquire a professional services building and property adjacent to the Department of Commerce's Boulder research campus.

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, FINDINGS, AND PURPOSE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Oak Park Medical Center Property Acquisition”.

6 (b) **FINDINGS.**—Congress finds the following:

7 (1) The Department of Commerce owns and op-
8 erates about 205 acres of property located in Boul-

1 der, Colorado (Boulder Campus of the Department).
2 At this site are facilities and laboratories where em-
3 ployees of the National Institute of Standards and
4 Technology (“NIST”), the National Oceanic and At-
5 mospheric Administration (“NOAA”), and the Na-
6 tional Telecommunications and Information Admin-
7 istration (“NTIA”), conduct research.

8 (2) In reviewing its security procedures and fa-
9 cilities at the site, the Department determined
10 that—

11 (A) the main site entrance should be
12 moved to a more central location (Rayleigh
13 Road and Broadway intersection); and

14 (B) a perimeter security fence should be
15 constructed to enhance security.

16 (3) As a result of moving this site entrance and
17 the proposed perimeter fence, the Department will
18 have to close the current access road to the Boulder
19 Campus.

20 (4) A parcel of land comprising about one acre,
21 and contiguous to the Boulder Campus on its north-
22 ern boundary line, is owned by Mr. Bruce
23 Tenenbaum. Such parcel includes a 6,000 square
24 foot medical facility, commonly known as “Oak Park
25 Medical Center” (referred to in this Act as the

1 “Center”), at which a number of out-patient medical
2 services are provided and available to the public. In-
3 gress and egress for the Center is only available
4 from the main entrance that is currently used to ac-
5 cess the Boulder Campus. As a result, the Depart-
6 ment through NIST entered into an easement agree-
7 ment with Mr. Tenenbaum to provide continued ac-
8 cess for ingress and egress to the Center.

9 (5) Upon the actual construction of the perim-
10 eter security fence and the resulting relocation of the
11 main access to the Boulder Campus, NIST is obli-
12 gated, pursuant to an access easement with the
13 owner of the Center, to provide alternative and
14 equivalent access in order to maintain ingress and
15 egress to the Center. Various alternatives have been
16 explored to provide such access.

17 (6) Given the costs associated with the access
18 road relocation alternatives, the security concerns re-
19 garding such alternatives, and the safety of patients
20 requiring access from Broadway Avenue to the Cen-
21 ter, NIST, the owner and the Center’s medical ten-
22 ants have not reached agreement with respect to al-
23 ternative and equivalent access to the Center.

24 (7) Given the continued impasse, the most ame-
25 nable course of action would be for the Government

1 to purchase the Center and merge the real property
2 comprising the Center into the Boulder Campus.

3 (c) PURPOSE.—The purpose of this Act is to author-
4 ize and direct the Department to purchase the Center con-
5 tiguous to the Boulder Campus and for other purposes.

6 **SEC. 2. AUTHORIZATION TO PURCHASE.**

7 (a) IN GENERAL.—The Secretary of Commerce, on
8 behalf of the United States, is hereby authorized and di-
9 rected to acquire the approximately one acre of land and
10 improvements thereon known as the Oak Park Medical
11 Center (Center) contiguous to the northeast boundary of
12 the Department of Commerce’s Boulder campus in Boul-
13 der, Colorado, and shown on the map entitled “Oak Park
14 Medical Center” dated July, 2005.

15 (b) APPRAISAL.—To determine the fair market value
16 of the land and improvements identified in subsection (a)
17 as of July 1, 2005, the Secretary of Commerce shall use
18 appraisals performed in accordance with the Uniform Ap-
19 praisal Standards for Federal Land Acquisitions (Decem-
20 ber 20, 2000) and the Uniform Standards of Professional
21 Appraisal Practice.

22 (c) SALE PRICE, TIMING AND CONDEMNATION.—

23 (1) PRICE.—The Secretary of Commerce is au-
24 thorized to negotiate with the owner of the Center
25 as identified in subsection (a) regarding the acquisi-

1 tion price following the appraisal in subsection (b),
2 except that the Secretary may not acquire such
3 property for more than the fair market value as de-
4 termined by the appraisal.

5 (2) TIMING AND CONDEMNATION.—If the Sec-
6 retary of Commerce and the owner of the Center fail
7 to reach agreement on the sale price within 3 years
8 after the completion of the appraisal in subsection
9 (b), the Secretary of Commerce is authorized and di-
10 rected to initiate condemnation proceedings to ac-
11 quire the Center.

12 (d) INCORPORATION, MANAGEMENT, AND STATUS OF
13 ACQUIRED LANDS AND IMPROVEMENTS.—Land and im-
14 provements acquired by the United States in section (a)
15 shall become part of the Department’s administrative and
16 research activities at its Boulder Campus and the exterior
17 boundary of such campus is hereby modified, without fur-
18 ther action by the Secretary, as necessary to incorporate
19 the non-Federal lands comprising the Center identified in
20 subsection (a). Upon its acquisition, lands or interests in
21 land acquired under the authority of this Act shall be ad-
22 ministered in accordance with the laws, rules and regula-
23 tions generally applicable to lands used by the Department
24 of Commerce as part of its Boulder Campus.

1 **SEC. 3. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) DEPARTMENT.—The term “Department”
4 means the Department of Commerce.

5 (2) NIST.—The term “NIST” means the Na-
6 tional Institute of Standards and Technology.

7 (3) NOAA.—The term “NOAA” means the Na-
8 tional Oceanic and Atmospheric Administration.

9 (4) NTIA.—The term “NTIA” means the Na-
10 tional Telecommunications Information Administra-
11 tion.

12 (5) SECRETARY.—The term “Secretary” means
13 the Secretary of Commerce.

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