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SENATE

{ REPORT
109-212

NATIONAL HEALTH MUSEUM ACT OF 2005

DECEMBER 21, 2005.—Ordered to be printed

Mr. INHOFE, from the Committee on Environment and Public
Works, submitted the following

REPORT

[to accompany S. 2015]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 2015) to provide a site for construction of a national health museum, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

The National Health Museum seeks to increase public awareness of preventable disease and, through doing so, to encourage individuals to adopt healthier lifestyles, thus lessening the impact of preventable illness and death on our society. The Museum has been seeking a permanent home location for several years.

The General Services Administration's Cotton Annex building at 12th and C Streets SW, Washington, DC, along with the vacant parcel surrounding much of the building, is currently used as a parking lot for both USDA employees and the public. This building, sometimes referred to as the "Ag Annex," contains 89,032 gross square feet and was constructed in 1937 for the Department of Agriculture. It currently houses approximately 280 USDA employees; under the provisions of S. 2015, these employees would either be relocated to leased space or, if space were available, moved into the Agriculture South Building across the street.

OBJECTIVES OF THE LEGISLATION

S. 2015 authorizes the General Services Administration to sell land at 12th and Independence Avenue SW in the District of Columbia to the National Health Museum. Should that transfer fail to take place for any reason or conditions herein not be met, the land would remain under the control of GSA.

The committee expects that the Museum will respect its visitors and their differing views on health issues; thus, the committee expects that the Museum will avoid controversial topics.

No Federal funds shall be used toward the construction, repair, alteration, or maintenance of the facility used by the National Health Museum.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section provides that this Act may be cited as the “National Health Museum Act of 2005.”

Sec. 2. Purpose.

This section provides that the purpose of this Act is to provide for a site to be used for the construction and operation of a national health museum.

Sec. 3. Definitions.

This section defines the terms “Administrator”, “CERCLA”, “Committees”, “Museum”, “Northern Portion of the Property”, “Property”, and “Southern Portion of the Property”.

Sec. 4. Conveyance of property.

This section provides for the conveyance of property from GSA to the National Health Museum.

Subsection (a) provides for the authority to convey, and provides that the Administrator shall enter into an agreement with the Museum for the conveyance as soon as practicable, but not later than 60 days after the enactment of the Act. The Administrator shall convey the northern portion of the property separately from and, if so agreed by the Administrator and the Museum, at a different time than the southern portion of the property.

Subsection (b) sets the purchase price for the property at fair market value as determined by an independent appraiser agreed upon by the Administrator and the Museum. The appraisal will be made both for the property as a whole and separately for the northern and southern portions of the property.

Subsection (c) clarifies that the proceeds of the purchase of the property shall be paid into the Federal Buildings Fund.

Subsection (d) provides that the property shall be conveyed pursuant to two quit claim deeds. This subsection also establishes a limitation on liability releasing the United States from responsibility for further remedial action 1) of hazardous substances not on the property as of the date of conveyance, or 2) arising through actions of the Museum or its affiliates.

Subsection (e) requires the northern portion of the property to be used as the site of a national health museum for a 99-year period beginning on the date of conveyance of that portion to the Museum.

Subsection (f) provides that the northern portion of the property shall revert to the United States, without any obligation for repayment by the United States, if that portion is not used as a site for a national health museum at any time during the 99-year period referred to in Subsection (e) or if the Museum has not begun construction of a museum facility within 5 years of the date of enactment of the Act.

Subsection (g) directs the Administrator to convey the northern and southern portions of the property within 3 years of enactment of the Act; the Administrator may extend that period for as long as is necessary for the Museum to fulfill its remediation obligations under section 5(a).

Sec. 5. Environmental matters.

This section provides that the Museum shall conduct and bear the cost of any environmental remediation with respect to the property, except with respect to hazardous substances existing on the property as of the date of conveyance or caused by the United States. Any costs of environmental remediation activities shall be credited to the purchase price for the property, up to an amount not greater than the purchase price for the property. This section also provides that the scope of any required environmental remediation with respect to the property shall be as required by section 120 of CERCLA.

Sec. 6. Incidental costs.

This section provides that, except as otherwise specified by the Act, the Museum shall bear all costs associated with complying with the provisions of this Act. The costs of relocating existing tenants shall be paid by the Museum, up to an amount agreed upon by the Administrator and the Museum. Any relocation costs in excess of that agreed-upon amount shall be credited to the purchase price for the property.

Sec. 7. Land use approvals.

This section clarifies that the authority and responsibilities of the National Capital Planning Commission and the Commission of Fine Arts are retained. This section also directs the Administrator to cooperate with the Museum regarding any zoning or land use matter relating to development of the property.

Sec. 8. Reports.

This section directs the Museum to submit annual reports to the Administrator and the committees detailing the development and construction activities of the Museum with respect to this Act. The reports shall be submitted beginning not later than 1 year after and continuing until the end of the 5-year period following conveyance of the property or until substantial completion of the Museum facility, whichever is later.

LEGISLATIVE HISTORY

On November 15, 2005, Senator Isakson introduced S. 2015 which was cosponsored by Senator Chambliss. The bill was referred to the Senate Committee on Environment and Public Works. On November 17, 2005, the full committee held a business meeting and ordered S. 2015 reported favorably without amendment to the full Senate.

HEARINGS

No committee hearings were held on S. 2015.

ROLL CALL VOTES

The Committee on Environment and Public Works met to consider S. 2015 on November 17, 2005. The bill was ordered reported favorably by voice vote. No roll call votes were taken.

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 bill does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that S. 2015 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

S. 2015, National Health Museum Act of 2005, As ordered reported by the Senate Committee on Environment and Public Works on November 17, 2005

S. 2015 would permit the General Services Administration (GSA) to sell a property in the District of Columbia to the National Health Museum, Inc. (a nonprofit corporation), and to spend the proceeds from that conveyance. CBO estimates that this conveyance would not have a significant net impact on the Federal budget in any year. S. 2015 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of State, local, or tribal governments.

S. 2015 would authorize the sale of a property in Washington, DC, known as the Cotton Annex, roughly bounded by 12th Street, Independence Avenue, Maryland Avenue, the James Forrestal

building, and L'Enfant Plaza in southwest Washington, DC. The legislation would direct GSA to sell the property in two parts (a northern and southern piece) and complete the conveyances within 3 years. The northern part of the property would be used as the site for a new National Health Museum. Under the bill, the northern portion of property would revert to the Federal Government if the corporation uses it for unauthorized purposes or fails to commence work on the museum within 5 years. The net proceeds (remediation and excess relocation costs would be credited against the sale price) could be spent by GSA for any authorized purpose, including repairs and alterations to other government facilities.

Under current law, GSA can transfer surplus Federal property to public entities at little or no cost for certain purposes (such as homeless shelters) before offering the property for negotiated or public sale. Any cash payments resulting from negotiated or public sales are deposited in the Treasury as offsetting receipts (a credit against direct spending). GSA currently controls the Cotton Annex property and estimates that approximately 300 Federal employees would be displaced by the sale. In addition, GSA reports it has no plans for declaring the property excess to its needs. Thus, CBO does not expect the property would be conveyed for a public purpose or sold over the next 10 years under current law.

An assessment of the value of the Cotton Annex property has not been completed, but based on recent property sales in the District, proceeds would likely be around \$100 million. For this estimate, CBO expects that GSA would spend any net sale proceeds generated in that year on general maintenance and renovation activities. In recent years, GSA has spent around \$600 million annually from appropriated funds on building repairs and alterations. In addition, the Government Accountability Office has reported that the current backlog of repair and renovation work for Federal buildings is estimated to be between \$6 billion to \$7 billion. Hence, the use of any remaining sales proceeds from the Cotton Annex property for those purposes would allow the agency to undertake more routine activities sooner than would otherwise be likely. Thus, CBO estimates that the property sale would have no significant net budgetary impact.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Peter H. Fontaine, Deputy 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.

