

Union Calendar No. 321

106TH CONGRESS
2^D SESSION

H. R. 3069

[Report No. 106–591]

To authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 1999

Mr. FRANKS of New Jersey (for himself, Ms. NORTON, Mr. WISE, and Mr. TRAFICANT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

APRIL 13, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on October 13, 1999]

A BILL

To authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Southeast Federal Cen-*
 3 *ter Public-Private Development Act of 2000”.*

4 **SEC. 2. SOUTHEAST FEDERAL CENTER DEFINED.**

5 *In this Act, the term “Southeast Federal Center”*
 6 *means the site in the southeast quadrant of the District of*
 7 *Columbia that is under the control and jurisdiction of the*
 8 *General Services Administration and extends from Issac*
 9 *Hull Avenue on the east to 1st Street on the west, and from*
 10 *M Street on the north to the Anacostia River on the south,*
 11 *excluding an area on the river at 1st Street owned by the*
 12 *District of Columbia and a building west of Issac Hull Ave-*
 13 *nue and south of Tingey Street under the control and juris-*
 14 *diction of the Department of the Navy.*

15 **SEC. 3. SOUTHEAST FEDERAL CENTER DEVELOPMENT AU-**
 16 **THORITY.**

17 (a) *IN GENERAL.*—*The Administrator of General*
 18 *Services may enter into agreements (including leases, con-*
 19 *tracts, cooperative agreements, limited partnerships, joint*
 20 *ventures, trusts, and limited liability company agreements)*
 21 *with a private entity to provide for the acquisition, con-*
 22 *struction, rehabilitation, operation, maintenance, or use of*
 23 *the Southeast Federal Center, including improvements*
 24 *thereon, or such other activities related to the Southeast*
 25 *Federal Center as the Administrator considers appropriate.*

1 (b) *TERMS AND CONDITIONS.*—*An agreement entered*
2 *into under this section—*

3 (1) *shall have as its primary purpose enhancing*
4 *the value of the Southeast Federal Center to the*
5 *United States;*

6 (2) *shall be negotiated pursuant to such proce-*
7 *dures as the Administrator considers necessary to en-*
8 *sure the integrity of the selection process and to pro-*
9 *tect the interests of the United States;*

10 (3) *may provide a lease option to the United*
11 *States, to be exercised at the discretion of the Admin-*
12 *istrator, to occupy any general purpose office space in*
13 *a facility covered under the agreement;*

14 (4) *shall not require, unless specifically deter-*
15 *mined otherwise by the Administrator, Federal own-*
16 *ership of a facility covered under the agreement after*
17 *the expiration of any lease of the facility to the*
18 *United States;*

19 (5) *shall describe the consideration, duties, and*
20 *responsibilities for which the United States and the*
21 *private entity are responsible;*

22 (6) *shall provide—*

23 (A) *that the United States will not be liable*
24 *for any action, debt, or liability of any entity*
25 *created by the agreement; and*

1 (B) that such entity may not execute any
2 instrument or document creating or evidencing
3 any indebtedness unless such instrument or docu-
4 ment specifically disclaims any liability of the
5 United States under the instrument or document;
6 and

7 (7) shall include such other terms and conditions
8 as the Administrator considers appropriate.

9 (c) *CONSIDERATION.*—An agreement entered into
10 under this section shall be for fair consideration, as deter-
11 mined by the Administrator. Consideration under such an
12 agreement may be provided in whole or in part through
13 in-kind consideration. In-kind consideration may include
14 provision of space, goods, or services of benefit to the United
15 States, including construction, repair, remodeling, or other
16 physical improvements of Federal property, maintenance of
17 Federal property, or the provision of office, storage, or other
18 usable space.

19 (d) *AUTHORITY TO CONVEY.*—In carrying out an
20 agreement entered into under this section, the Adminis-
21 trator is authorized to convey interests in real property, by
22 lease, sale, or exchange, to a private entity.

23 (e) *OBLIGATIONS TO MAKE PAYMENTS.*—Any obliga-
24 tion to make payments by the Administrator for the use
25 of space, goods, or services by the General Services Adminis-

1 *tration on property that is subject to an agreement under*
 2 *this section may only be made to the extent that necessary*
 3 *funds have been made available, in advance, in an annual*
 4 *appropriations Act, to the Administrator from the Federal*
 5 *Buildings Fund established by section 210(f) of the Federal*
 6 *Property and Administrative Services Act of 1949 (40*
 7 *U.S.C. 490(f)).*

8 *(f) NATIONAL CAPITOL PLANNING COMMISSION.—*

9 *(1) STATUTORY CONSTRUCTION.—Nothing in this*
 10 *section may be construed to limit or otherwise affect*
 11 *the authority of the National Capital Planning Com-*
 12 *mission with respect to the Southeast Federal Center.*

13 *(2) VISION PLAN.—An agreement entered into*
 14 *under this section shall ensure that redevelopment of*
 15 *the Southeast Federal Center is consistent, to the ex-*
 16 *tent practicable (as determined by the Adminis-*
 17 *trator), with the objectives of the National Capital*
 18 *Planning Commission’s vision plan entitled “Extend-*
 19 *ing the Legacy: Planning America’s Capital in the*
 20 *21st Century”, adopted by the Commission in Novem-*
 21 *ber 1997.*

22 *(g) RELATIONSHIP TO OTHER LAWS.—*

23 *(1) IN GENERAL.—The authority of the Adminis-*
 24 *trator under this section shall not be subject to—*

1 (A) *section 321 of the Act of June 30, 1932*
 2 *(40 U.S.C. 303b);*

3 (B) *sections 202 and 203 of the Federal*
 4 *Property and Administrative Services Act of*
 5 *1949 (40 U.S.C. 483, 484);*

6 (C) *section 7(a) of the Public Buildings Act*
 7 *of 1959 (40 U.S.C. 606(a)); or*

8 (D) *any other provision of law (other than*
 9 *Federal laws relating to environmental and his-*
 10 *toric preservation) inconsistent with this section.*

11 (2) *UNUTILIZED OR UNDERUTILIZED PROP-*
 12 *ERTY.—Any facility covered under an agreement en-*
 13 *tered into under this section may not be considered to*
 14 *be unutilized or underutilized for purposes of section*
 15 *501 of the Stewart B. McKinney Homeless Assistance*
 16 *Act (42 U.S.C. 11411).*

17 **SEC. 4. REPORTING REQUIREMENT.**

18 (a) *IN GENERAL.—Before entering into an agreement*
 19 *under section 3, the Administrator of General Services shall*
 20 *transmit to the Committee on Transportation and Infra-*
 21 *structure of the House of Representatives and the Committee*
 22 *on Environment and Public Works of the Senate a report*
 23 *on the proposed agreement.*

24 (b) *CONTENTS.—A report transmitted under this sec-*
 25 *tion shall include a summary of a cost-benefit analysis of*

1 *the proposed agreement and a description of the provisions*
 2 *of the proposed agreement.*

3 (c) *REVIEW BY CONGRESS.*—A proposed agreement
 4 under section 3 may not become effective until the end of
 5 a 30-day period of continuous session of Congress following
 6 the date of the transmittal of a report on the agreement
 7 under this section. For purposes of the preceding sentence,
 8 continuity of a session of Congress is broken only by an
 9 adjournment sine die, and there shall be excluded from the
 10 computation of such 30-day period any day during which
 11 either House of Congress is not in session during an ad-
 12 journment of more than 3 days to a day certain.

13 **SEC. 5. USE OF PROCEEDS.**

14 (a) *IN GENERAL.*—Net proceeds from an agreement en-
 15 tered into under section 3 shall be deposited into, adminis-
 16 tered, and expended, subject to appropriations Acts, as part
 17 of the fund established by section 210(f) of the Federal Prop-
 18 erty and Administrative Services Act of 1949 (40 U.S.C.
 19 490(f)). In this subsection, the term “net proceeds from an
 20 agreement entered into under section 3” means the proceeds
 21 from the agreement minus the expenses incurred by the Ad-
 22 ministrator with respect to the agreement.

23 (b) *RECOVERY OF EXPENSES.*—The Administrator
 24 may retain from the proceeds of an agreement entered into
 25 under section 3 amounts necessary to recover the expenses

1 *incurred by the Administrator with respect to the agree-*
2 *ment. Such amounts shall be deposited in the account in*
3 *the Treasury from which the Administrator incurs expenses*
4 *related to disposals of real property.*

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