

109TH CONGRESS
1ST SESSION

S. 1838

To provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2005

Mr. VOINOVICH (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

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 “Federal and District
5 of Columbia Government Real Property Act of 2005”.

1 **TITLE I—REAL PROPERTY CON-**
 2 **VEYANCES BETWEEN THE**
 3 **GENERAL SERVICES ADMINIS-**
 4 **TRATION AND THE DISTRICT**
 5 **OF COLUMBIA**

6 **SEC. 101. EXCHANGE OF TITLE OVER RESERVATION 13 AND**
 7 **CERTAIN OTHER PROPERTIES.**

8 (a) CONVEYANCE OF PROPERTIES.—

9 (1) IN GENERAL.—On the date on which the
 10 District of Columbia conveys to the Administrator of
 11 General Services all right, title, and interest of the
 12 District of Columbia in the property described in
 13 subsection (c), the Administrator shall convey to the
 14 District of Columbia all right, title, and interest of
 15 the United States in—

16 (A) U.S. Reservation 13, subject to the
 17 conditions described in subsection (b); and

18 (B) Old Naval Hospital.

19 (2) PROPERTIES DEFINED.—In this section—

20 (A) the term “U.S. Reservation 13” means
 21 that parcel of land in the District of Columbia
 22 consisting of the approximately 66 acres which
 23 is bounded on the north by Independence Ave-
 24 nue Southeast, on the west by 19th Street
 25 Southeast, on the south by G Street Southeast,

and on the east by United States Reservation 343, and being the same land described in the Federal transfer letter of October 25, 2002, from the United States to the District of Columbia, and subject to existing matters of record; and

(B) the term “Old Naval Hospital” means the property in the District of Columbia consisting of Square 948 in its entirety, together with all the improvements thereon.

(b) CONDITIONS FOR CONVEYANCE OF RESERVATION

13.—As a condition for the conveyance of U.S. Reservation 13 to the District of Columbia under this section, the District of Columbia shall agree—

(1) to set aside a portion of the property for the extension of Massachusetts Avenue Southeast and the placement of a potential commemorative work to be established pursuant to chapter 89 of title 40, United States Code, at the terminus of Massachusetts Avenue Southeast (as so extended) at the Anacostia River;

(2) to convey all right, title, and interest of the District of Columbia in the portion set aside under paragraph (1) to the Secretary of the Interior (acting through the Director of the National Park Serv-

1 ice) at such time as the Secretary may require, if a
 2 commemorative work is established in the manner
 3 described in paragraph (1); and

4 (3) to permit the Court Services and Offender
 5 Supervision Agency for the District of Columbia to
 6 continue to occupy a portion of the property con-
 7 sistent with the requirements of the District of Co-
 8 lumbia Appropriations Act, 2002 (Public Law 107–
 9 96; 115 Stat. 931).

10 (c) DISTRICT OF COLUMBIA PROPERTY TO BE CON-
 11 VEYED TO THE ADMINISTRATOR.—The property described
 12 in this subsection is the real property consisting of Build-
 13 ing Nos. 16, 37, 38, 118, and 118–A and related improve-
 14 ments, together with the real property underlying those
 15 buildings and improvements, on the West Campus of Saint
 16 Elizabeths Hospital, as described in the quitclaim deed of
 17 September 30, 1987, by and between the United States
 18 and the District of Columbia and recorded in the Office
 19 of the Recorder of Deeds of the District of Columbia on
 20 October 7, 1987.

21 (d) LIMITATION ON ENVIRONMENTAL LIABILITY.—
 22 Notwithstanding any other provision of law—

23 (1) the District of Columbia shall not be re-
 24 sponsible for any environmental liability, response
 25 action, remediation, corrective action, damages,

1 costs, or expenses associated with the property for
2 which title is conveyed to the Administrator of Gen-
3 eral Services under this section; and

4 (2) all environmental liability, responsibility, re-
5 mediation, damages, costs, and expenses as required
6 by applicable Federal, State and local law, including
7 the Comprehensive Environmental Response, Com-
8 pensation and Liability Act (42 U.S.C. 9601 et
9 seq.), the Federal Water Pollution Control Act
10 (known as Clean Water Act) (33 U.S.C. 1251 et
11 seq.), the Clean Air Act (42 U.S.C. 7401 et seq.),
12 the Solid Waste Disposal Act (42 U.S.C. 6901 et
13 seq.), the Rivers and Harbors Act (33 U.S.C. 540
14 et seq.), the Toxic Substances Control Act (15
15 U.S.C. 2601, et seq.), and the Oil Pollution Act (33
16 U.S.C. 2701 et seq.) for such property shall be
17 borne by the United States, which shall conduct all
18 environmental activity with respect to such prop-
19 erties, and bear any and all costs and expenses of
20 any such activity.

21 **SEC. 102. TERMINATION OF CLAIMS.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
23 sion of law, the United States is not required to perform,
24 or to reimburse the District of Columbia for the cost of
25 performing, any of the following services:

1 (1) Repairs or renovations pursuant to section
2 4(f) of the Saint Elizabeths Hospital and District of
3 Columbia Mental Health Services Act (24 U.S.C.
4 225b(f); sec. 44–903(f), D.C. Official Code).

5 (2) Preservation, maintenance, or repairs pur-
6 suant to a use permit executed on September 30,
7 1987, under which the United States (acting
8 through the Secretary of Health and Human Serv-
9 ices) granted permission to the District of Columbia
10 to use and occupy portions of the Saint Elizabeths
11 Hospital property known as the “West Campus”.

12 (3) Mental health diagnostic and treatment
13 services for referrals as described in section 9(b) of
14 the Saint Elizabeths Hospital and District of Colum-
15 bia Mental Health Services Act (24 U.S.C. 225g(b);
16 sec. 44–908(b), D.C. Official Code), but only with
17 respect to services provided on or before the date of
18 the enactment of this Act.

19 (b) EFFECT ON PENDING CLAIMS.—Any claim of the
20 District of Columbia against the United States for the fail-
21 ure to perform, or to reimburse the District of Columbia
22 for the cost of performing, any service described in sub-
23 section (a) which is pending as of the date of the enact-
24 ment of this Act shall be extinguished and terminated.

1 **TITLE II—STREAMLINING MAN-**
2 **AGEMENT OF PROPERTIES**
3 **LOCATED IN THE DISTRICT**
4 **OF COLUMBIA**

5 **SEC. 201. TRANSFER OF ADMINISTRATIVE JURISDICTION**
6 **OVER CERTAIN PROPERTIES.**

7 (a) TRANSFER OF ADMINISTRATIVE JURISDICTION
8 FROM DISTRICT OF COLUMBIA TO UNITED STATES.—

9 (1) IN GENERAL.—Administrative jurisdiction
10 over each of the following properties (owned by the
11 United States and as depicted on the Map) is hereby
12 transferred, subject to the terms in this subsection,
13 from the District of Columbia to the Secretary of
14 the Interior for administration by the Director:

15 (A) An unimproved portion of Audubon
16 Terrace Northwest, located east of Linnean Av-
17 enue Northwest, that is within U.S. Reservation
18 402 (National Park Service property).

19 (B) An unimproved portion of Barnaby
20 Street Northwest, north of Aberfoyle Place
21 Northwest, that abuts U.S. Reservation 545
22 (National Park Service property).

23 (C) A portion of Canal Street Southwest,
24 and a portion of V Street Southwest, each of

1 which abuts U.S. Reservation 467 (National
2 Park Service property).

3 (D) Unimproved streets and alleys at Fort
4 Circle Park located within the boundaries of
5 U.S. Reservation 497 (National Park Service
6 property).

7 (E) An unimproved portion of Western Av-
8 enue Northwest, north of Oregon Avenue
9 Northwest, that abuts U.S. Reservation 339
10 (National Park Service property).

11 (F) An unimproved portion of 17th Street
12 Northwest, south of Shepherd Street North-
13 west, that abuts U.S. Reservation 339 (Na-
14 tional Park Service property).

15 (G) An unimproved portion of 30th Street
16 Northwest, north of Broad Branch Road North-
17 west, that is within the boundaries of U.S. Res-
18 ervation 515 (National Park Service property).

19 (H) Subject to paragraph (2), lands over
20 I-395 at Washington Avenue Southwest.

21 (I) A portion of U.S. Reservation 357 at
22 Whitehaven Parkway Northwest, previously
23 transferred to the District of Columbia in con-
24 junction with the former proposal for a resi-

1 dence for the Mayor of the District of Colum-
2 bia.

3 (2) USE OF CERTAIN PROPERTY FOR MEMO-
4 RIAL.—In the case of the property for which admin-
5 istrative jurisdiction is transferred under paragraph
6 (1)(H), the property shall be used as the site for the
7 establishment of a memorial to honor disabled vet-
8 erans of the United States Armed Forces authorized
9 to be established by the Disabled Veterans' LIFE
10 Memorial Foundation by Public Law 106–348 (114
11 Stat. 1358; 40 U.S.C. 8903 note), except that the
12 District of Columbia shall retain administrative ju-
13 risdiction over the subsurface area beneath the site
14 for the tunnel, walls, footings, and related facilities.

15 (b) TRANSFER OF ADMINISTRATIVE JURISDICTION
16 FROM UNITED STATES TO DISTRICT OF COLUMBIA.—Ad-
17 ministrative jurisdiction over the following property owned
18 by the United States and depicted on the Map is hereby
19 transferred from the Secretary to the District of Columbia
20 for administration by the District of Columbia:

21 (1) A portion of U.S. Reservation 451.

22 (2) A portion of U.S. Reservation 404.

23 (3) U.S. Reservations 44, 45, 46, 47, 48, and
24 49.

25 (4) U.S. Reservation 251.

1 (5) U.S. Reservation 8.

2 (6) U.S. Reservations 277A and 277C.

3 (7) Portions of U.S. Reservation 470.

4 (c) EFFECTIVE DATE.—The transfers of administra-
5 tive jurisdiction under this section shall take effect on the
6 date of the enactment of this Act.

7 **SEC. 202. EXCHANGE OF TITLE OVER CERTAIN PROP-**
8 **ERTIES.**

9 (a) CONVEYANCE OF TITLE.—

10 (1) IN GENERAL.—On the date on which the
11 District of Columbia conveys to the Secretary all
12 right, title, and interest of the District of Columbia
13 in each of the properties described in subsection (b)
14 for use as described in such subsection, the Sec-
15 retary shall convey to the District of Columbia all
16 right, title, and interest of the United States in each
17 of the properties described in subsection (c).

18 (2) ADMINISTRATION BY NATIONAL PARK SERV-
19 ICE.—The properties conveyed by the District of Co-
20 lumbia to the Secretary under this section shall be
21 administered by the Director upon conveyance.

22 (b) PROPERTIES TO BE CONVEYED TO THE SEC-
23 RETARY; USE.—The properties described in this sub-
24 section and their uses are as follows (as depicted on the
25 Map):

9 (c) PROPERTIES TO BE CONVEYED TO THE DISTRICT
10 OF COLUMBIA.—The properties described in this sub-
11 section are as follows (as depicted on the Map):

19 (6) U.S. Reservations 721, 722, and 723.

(a) CONVEYANCE; USE.—If the District of Columbia enacts a final plan for the development of the former Convention Center Site which meets the requirements of subsection (b)—

1 (1) the Secretary shall convey all right, title,
 2 and interest of the United States in U.S. Reserva-
 3 tion 174 (as depicted on the Map) to the District of
 4 Columbia upon the enactment of such plan; and

5 (2) the District shall use the property so con-
 6 veyed in accordance with such plan.

7 (b) REQUIREMENTS FOR DEVELOPMENT PLAN.—
 8 The plan for the development of the former Convention
 9 Center Site meets the requirements of this subsection if—

10 (1) the plan is developed through a public proc-
 11 ess;

12 (2) during the process for the development of
 13 the plan, the District of Columbia considers at least
 14 one version of the plan under which the entire por-
 15 tion of U.S. Reservation 174 which is set aside as
 16 open space as of the date of the enactment of this
 17 Act shall continue to be set aside as open space (in-
 18 cluding a version under which facilities are built
 19 under the surface of such portion); and

20 (3) not less than 1¼ acres of the former Con-
 21 vention Center Site are set aside for open space
 22 under the plan.

23 (c) FORMER CONVENTION CENTER SITE DE-
 24 FINED.—In this section, the “former Convention Center
 25 Site” means the parcel of land in the District of Columbia

1 which is bounded on the east by 9th Street Northwest,
 2 on the north by New York Avenue Northwest, on the west
 3 by 11th Street Northwest, and on the south by H Street
 4 Northwest.

5 **SEC. 204. CONVEYANCE OF PORTION OF RFK STADIUM SITE**
 6 **FOR EDUCATIONAL PURPOSES.**

7 Section 7 of the District of Columbia Stadium Act
 8 of 1957 (sec. 3–326, D.C. Official Code) is amended by
 9 adding at the end the following new subsection:

10 “(e)(1) Upon receipt of a written description from the
 11 District of Columbia of a parcel of land consisting of not
 12 more than 15 contiguous acres (hereafter in this sub-
 13 section referred to as ‘the described parcel’), with the long-
 14 est side of the described parcel abutting one of the roads
 15 bounding the property, within the area designated ‘D’ on
 16 the revised map entitled ‘Map to Designate Transfer of
 17 Stadium and Lease of Parking Lots to the District’ and
 18 bound by Oklahoma Avenue Northeast, Benning Road
 19 Northeast, the Metro line, and Constitution Avenue
 20 Northeast, and a long-term lease executed by the District
 21 of Columbia that is contingent upon the Secretary’s con-
 22 veyance of the described parcel and for the purpose con-
 23 sistent with this paragraph, the Secretary shall convey all
 24 right, title, and interest in the described parcel to the Dis-
 25 trict of Columbia for the purpose of siting, developing, and

1 operating an educational institution for the public welfare,
 2 with first preference given to a pre-collegiate public board-
 3 ing school.

4 “(2) Upon conveyance under paragraph (1), the por-
 5 tion of the stadium lease that affects the described parcel
 6 and all the conditions associated therewith shall terminate,
 7 the described parcel shall be removed from the ‘Map to
 8 Designate Transfer of Stadium and Lease of Parking Lots
 9 to the District’, and the long-term lease described in para-
 10 graph (1) shall take effect immediately.”.

11 **TITLE III—POPLAR POINT**

12 **SEC. 301. CONVEYANCE OF POPLAR POINT TO DISTRICT OF** 13 **COLUMBIA.**

14 (a) CONVEYANCE.—Upon certification by the Sec-
 15 retary of the Interior (acting through the Director) that
 16 the District of Columbia has adopted a land-use plan for
 17 Poplar Point which meets the requirements of section 302,
 18 the Director shall convey to the District of Columbia all
 19 right, title, and interest of the United States in Poplar
 20 Point, in accordance with this title.

21 (b) WITHHOLDING OF EXISTING FACILITIES AND
 22 PROPERTIES OF NATIONAL PARK SERVICE FROM INITIAL
 23 CONVEYANCE.—The Director shall withhold from the con-
 24 veyance made under subsection (a) the facilities and re-
 25 lated property (including necessary easements and utilities

1 related thereto) which are occupied or otherwise used by
 2 the National Park Service in Poplar Point prior to the
 3 adoption of the land-use plan referred to in subsection (a),
 4 as identified in such land-use plan in accordance with sec-
 5 tion 302(c).

6 **SEC. 302. REQUIREMENTS FOR POPLAR POINT LAND-USE**
 7 **PLAN.**

8 (a) IN GENERAL.—The land-use plan for Poplar
 9 Point meets the requirements of this section if the plan
 10 includes each of the following elements:

11 (1) The plan provides for the reservation of a
 12 portion of Poplar Point for park purposes, in accord-
 13 ance with subsection (b).

14 (2) The plan provides for the identification of
 15 existing facilities and related properties of the Na-
 16 tional Park Service, and the relocation of the Na-
 17 tional Park Service to replacement facilities and re-
 18 lated properties, in accordance with subsection (c).

19 (3) Under the plan, at least two sites within the
 20 areas designated for park purposes are set aside for
 21 the placement of potential commemorative works to
 22 be established pursuant to chapter 89 of title 40,
 23 United States Code, and the plan includes a commit-
 24 ment by the District of Columbia to convey back

1 those sites to the National Park Service at the ap-
2 propriate time, as determined by the Secretary.

3 (4) To the greatest extent practicable, the plan
4 is consistent with the Anacostia Waterfront Frame-
5 work Plan referred to in section 103 of the Ana-
6 costia Waterfront Corporation Act of 2004 (sec. 2–
7 1223.03, D.C. Official Code).

8 (b) RESERVATION OF AREAS FOR PARK PUR-
9 POSES.—The plan shall identify a portion of Poplar Point
10 consisting of not fewer than 70 acres (including wetlands)
11 which shall be reserved for park purposes and shall require
12 such portion to be reserved for such purposes in per-
13 petuity, and shall provide that any person (including an
14 individual or a public entity) shall have standing to enforce
15 the requirement.

16 (c) IDENTIFICATION OF EXISTING AND REPLACE-
17 MENT FACILITIES AND PROPERTIES FOR NATIONAL PARK
18 SERVICE.—

19 (1) IDENTIFICATION OF EXISTING FACILI-
20 TIES.—The plan shall identify the facilities and re-
21 lated property (including necessary easements and
22 utilities related thereto) which are occupied or other-
23 wise used by the National Park Service in Poplar
24 Point prior to the adoption of the plan.

1 (2) RELOCATION TO REPLACEMENT FACILI-
2 TIES.—

3 (A) IN GENERAL.—To the extent that the
4 District of Columbia and the Director deter-
5 mine jointly that it is no longer appropriate for
6 the National Park Service to occupy or other-
7 wise use any of the facilities and related prop-
8 erty identified under paragraph (1), the plan
9 shall—

10 (i) identify other suitable facilities and
11 related property (including necessary ease-
12 ments and utilities related thereto) in the
13 District of Columbia to which the National
14 Park Service may be relocated;

15 (ii) provide that the District of Co-
16 lumbia shall take such actions as may be
17 required to carry out the relocation, includ-
18 ing preparing the new facilities and prop-
19 erties and providing for the transfer of
20 such fixtures and equipment as the Direc-
21 tor may require; and

22 (iii) set forth a timetable for the relo-
23 cation of the National Park Service to the
24 new facilities.

1 (B) RESTRICTION ON USE OF PROPERTY
 2 RESERVED FOR PARK PURPOSES.—The plan
 3 may not identify any facility or property for
 4 purposes of this paragraph which is located on
 5 any portion of Poplar Point which is reserved
 6 for park purposes in accordance with subsection
 7 (b).

8 (3) CONSULTATION REQUIRED.—In developing
 9 each of the elements of the plan which are required
 10 under this subsection, the District of Columbia shall
 11 consult with the Director.

12 **SEC. 303. CONVEYANCE OF REPLACEMENT FACILITIES AND**
 13 **PROPERTIES FOR NATIONAL PARK SERVICE.**

14 (a) CONVEYANCE OF FACILITIES AND RELATED
 15 PROPERTIES.—Upon certification by the Director that the
 16 facilities and related property to which the National Park
 17 Service is to be relocated under the land-use plan under
 18 this title (in accordance with section 302(c)) are ready to
 19 be occupied or used by the National Park Service—

20 (1) the District of Columbia shall convey to the
 21 Director all right, title, and interest in the facilities
 22 and related property (including necessary easements
 23 and utilities related thereto) to which the National
 24 Park Service is to be relocated (without regard to

1 whether such facilities are located in Poplar Point);
 2 and

3 (2) the Director shall convey to the District of
 4 Columbia all, right, title, and interest in the facilities
 5 and related property which were withheld from the
 6 conveyance of Poplar Point under section 301(b)
 7 and from which the National Park Service is to be
 8 relocated.

9 (b) RESTRICTION ON CONSTRUCTION PROJECTS
 10 PENDING CERTIFICATION OF FACILITIES.—

11 (1) IN GENERAL.—The District of Columbia
 12 may not initiate any construction project with re-
 13 spect to Poplar Point until the Director makes the
 14 certification referred to in subsection (a).

15 (2) EXCEPTION FOR PROJECTS REQUIRED TO
 16 PREPARE FACILITIES FOR OCCUPATION BY NA-
 17 TIONAL PARK SERVICE.—Paragraph (1) shall not
 18 apply with respect to any construction project re-
 19 quired to ensure that the facilities and related prop-
 20 erty to which the National Park Service is to be re-
 21 located under the land-use plan under this title (in
 22 accordance with section 302(c)) are ready to be oc-
 23 cupied by the National Park Service.

1 **SEC. 304. POPLAR POINT DEFINED.**

2 In this title, “Poplar Point” means the parcel of land
 3 in the District of Columbia which is owned by the United
 4 States and which is under the administrative jurisdiction
 5 of the District of Columbia or the Director on the day
 6 before the date of enactment of this Act, and which is
 7 bounded on the north by the Anacostia River, on the
 8 northeast by and inclusive of the southeast approaches to
 9 the 11th Street bridges, on the southeast by and inclusive
 10 of Route 295, and on the northwest by and inclusive of
 11 the Frederick Douglass Memorial Bridge approaches to
 12 Suitland Parkway, as depicted on the Map.

13 **TITLE IV—GENERAL**
 14 **PROVISIONS**

15 **SEC. 401. DEFINITIONS.**

16 In this Act, the following definitions apply:

17 (1) The term “Administrator” means the Ad-
 18 ministrator of General Services.

19 (2) The term “Director” means the Director of
 20 the National Park Service.

21 (3) The term “Map” means the map entitled
 22 “Transfer and Conveyance of Properties in the Dis-
 23 trict of Columbia”, numbered 869/80460, and dated
 24 July 2005, which shall be kept on file in the appro-
 25 priate office of the National Park Service.

1 (4) The term “Secretary” means the Secretary
2 of the Interior.

3 **SEC. 402. LIMITATION ON ENVIRONMENTAL LIABILITY.**

4 Notwithstanding any other provision of law—

5 (1) the United States shall not be responsible
6 for any environmental liability, response action, re-
7 mediation, corrective action, damages, costs, or ex-
8 penses associated with any property for which title
9 is conveyed to the District of Columbia under this
10 Act or any amendment made by this Act; and

11 (2) all environmental liability, responsibility, re-
12 mediation, damages, costs, and expenses as required
13 by applicable Federal, state and local law, including
14 the Comprehensive Environmental Response, Com-
15 pensation and Liability Act (42 U.S.C. 9601 et
16 seq.), the Federal Water Pollution Control Act
17 (known as Clean Water Act) (33 U.S.C. 1251 et
18 seq.), the Clean Air Act (42 U.S.C. 7401 et seq.),
19 the Solid Waste Disposal Act (42 U.S.C. 6901 et
20 seq.), the Rivers and Harbors Act (33 U.S.C. 540
21 et seq.), the Toxic Substances Control Act (15
22 U.S.C. 2601, et seq.), and the Oil Pollution Act (33
23 U.S.C. 2701 et seq.) for any such property shall be
24 borne by the District of Columbia, which shall con-
25 duct all environmental activity with respect to such

1 properties, and bear any and all costs and expenses
2 of any such activity.

3 **SEC. 403. LIMITATION ON COSTS.**

4 The United States shall not be responsible for paying
5 any costs and expenses incurred by the District of Colum-
6 bia or any other parties at any time in connection with
7 effecting the provisions of this Act or any amendment
8 made by this Act, including costs and expenses associated
9 with surveys, zoning, land-use processes, transfer taxes,
10 recording taxes, recording fees, as well as the costs associ-
11 ated with the relocation of the National Park Service to
12 replacement facilities required under the land-use plan for
13 Poplar Point described in section 302(c)(2).

14 **SEC. 404. DEADLINE FOR PROVISION OF DEEDS AND RE-**
15 **LATED DOCUMENTS.**

16 With respect to each property conveyed under this
17 Act or any amendment made by this Act, the Mayor of
18 the District of Columbia, the Administrator, or the Sec-
19 retary (as the case may be) shall execute and deliver a
20 quitclaim deed or prepare and record a transfer plat, as
21 appropriate, not later than 6 months after the property
22 is conveyed.

○