

110TH CONGRESS
2D SESSION

H. R. 5001

To authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2008

Ms. NORTON introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Old Post Office Build-
5 ing Redevelopment Act of 2008”.

6 **SEC. 2. OLD POST OFFICE BUILDING DEFINED.**

7 In this Act, the term “Old Post Office Building”
8 means the land, including any improvements thereon, that
9 is located at 1100 Pennsylvania Avenue, NW., in the Dis-

1 triet of Columbia, and under the jurisdiction, custody, and
2 control of the General Services Administration.

3 **SEC. 3. FINDINGS.**

4 Congress finds the following:

5 (1) For almost a decade the Subcommittee on
6 Economic Development, Public Buildings and Emer-
7 gency Management of the Committee on Transpor-
8 tation and Infrastructure of the House of Represent-
9 atives has expressed considerable concern about the
10 waste and neglect of the valuable, historic Old Post
11 Office Building, centrally located in the heart of the
12 Nation's Capitol on Pennsylvania Avenue, and has
13 pressed the General Services Administration to de-
14 velop and fully use this building.

15 (2) The disposition of the Old Post Office
16 Building became even more pressing following a vio-
17 lent altercation and killing outside the Old Post Of-
18 fice Building after an event in which the General
19 Services Administration rented the facility to gain
20 some revenue from the building.

21 (3) The policy of the Government long has been
22 to preserve and make usable historic properties rath-
23 er than sell them for revenue, particularly this prop-
24 erty where security matters related to its location
25 alone may hinder its against sale to a private party.

1 (4) The General Services Administration issued
2 a Request for Expression of Interest in 2004 for de-
3 veloping the Old Post Office Building that generated
4 a healthy private sector interest, but the General
5 Services Administration failed to move forward re-
6 garding such interest.

7 (5) The Old Post Office Building is a wasted
8 asset and a drain on revenue while its full use, its
9 central location, and unique historic value could pro-
10 vide a handsome financial return to the Government.

11 **SEC. 4. REDEVELOPMENT OF OLD POST OFFICE BUILDING.**

12 (a) **AUTHORITY TO ENTER INTO AGREEMENTS.—**

13 (1) **DEVELOPMENT AGREEMENT.**—The Admin-
14 istrator of General Services may enter into a devel-
15 opment agreement with a private entity to provide
16 for the redevelopment of the Old Post Office Build-
17 ing.

18 (2) **OTHER AGREEMENTS.**—In addition to the
19 development agreement authorized under paragraph
20 (1), the Administrator and the private entity se-
21 lected under such paragraph may enter into other
22 agreements (including leases, contracts, cooperative
23 agreements, trusts, and ground leases) to provide for
24 the development, construction, rehabilitation, oper-
25 ation, maintenance, or use of the Old Post Office

1 Building or such other activities related to the Old
2 Post Office Building as the Administrator considers
3 appropriate.

4 (b) SELECTION OF PRIVATE ENTITY.—The Adminis-
5 trator shall select a private entity under subsection (a)
6 using such procedures as the Administrator considers nec-
7 essary to promote competition and protect the interests
8 of the United States.

9 (c) TERMS AND CONDITIONS.—The development
10 agreement authorized under subsection (a)(1)—

11 (1) shall have as its primary purpose enhancing
12 the value of the Old Post Office Building to the
13 United States;

14 (2) shall contain such terms and conditions and
15 be negotiated pursuant to such procedures as the
16 Administrator considers necessary to promote com-
17 petition and protect the interests of the United
18 States;

19 (3) may include provisions for a ground lease of
20 the Old Post Office Building, or any part thereof,
21 for a term not to exceed 50 years;

22 (4) may provide a lease option to the United
23 States, to be exercised at the discretion of the Ad-
24 ministrator, to occupy any general purpose office
25 space in the Old Post Office Building;

1 (5) shall not require, unless specifically deter-
2 mined otherwise by the Administrator, Federal own-
3 ership of the Old Post Office Building at or near the
4 expiration of any space lease of that facility to the
5 United States;

6 (6) shall describe the consideration, duties, and
7 responsibilities for which the United States and the
8 private entity are responsible;

9 (7) shall provide—

10 (A) that the United States will not be lia-
11 ble for any action, debt, or liability of any enti-
12 ty created by the development agreement; and

13 (B) that such entity may not execute any
14 instrument or document creating or evidencing
15 any indebtedness unless such instrument or
16 document specifically disclaims any liability of
17 the United States under the instrument or doc-
18 ument; and

19 (8) shall include such other terms and condi-
20 tions as the Administrator considers appropriate.

21 (d) CONSIDERATION.—The development agreement
22 entered into under subsection (a)(1) shall be for fair con-
23 sideration, as determined by the Administrator. Consider-
24 ation under the agreement may be provided in whole or
25 in part through in-kind consideration, including provision

1 of space, goods, or services of benefit to the United States,
2 and may also include construction, repair, remodeling, or
3 other physical improvements or maintenance of Federal
4 property.

5 (e) OBLIGATIONS TO MAKE PAYMENTS.—Any obliga-
6 tion to make payments by the Administrator for the use
7 of space, goods, or services by the General Services Ad-
8 ministration on property that is subject to a development
9 or other agreement under this section may only be made
10 to the extent that necessary funds have been made avail-
11 able, in advance, in an annual appropriations Act, to the
12 Administrator from the fund established under section
13 592 of title 40, United States Code.

14 (f) NATIONAL CAPITAL PLANNING COMMISSION.—
15 Nothing in this section may be construed to limit or other-
16 wise affect the authority of the National Capital Planning
17 Commission with respect to the Old Post Office Building.

18 (g) RELATIONSHIP TO OTHER LAWS.—The authority
19 of the Administrator under this Act shall not be subject
20 to—

21 (1) chapter 5 of subtitle I of title 40, United
22 States Code;

23 (2) section 3307 of title 40, United States
24 Code;

1 (3) section 501 of the McKinney-Vento Home-
2 less Assistance Act (42 U.S.C. 11411); or

3 (4) any other provision of law (other than Fed-
4 eral laws relating to environmental and historic pres-
5 ervation) inconsistent with this section.

6 **SEC. 5. REPORTING REQUIREMENT.**

7 (a) IN GENERAL.—Before entering into a develop-
8 ment agreement under section 3, the Administrator of
9 General Services shall transmit to the Committee on
10 Transportation and Infrastructure of the House of Rep-
11 resentatives and the Committee on Environment and Pub-
12 lic Works of the Senate a report on such agreement.

13 (b) CONTENTS.—A report transmitted under this sec-
14 tion shall include a summary of a cost-benefit analysis of
15 the proposed development agreement and a description of
16 the material provisions of the proposed agreement.

17 (c) REVIEW BY CONGRESS.—A proposed development
18 agreement under section 3 may not become effective until
19 the end of a 30-day period of continuous session of Con-
20 gress following the date of the transmittal of a report on
21 the agreement under this section. For purposes of the pre-
22 ceding sentence, continuity of a session of Congress is bro-
23 ken only by an adjournment sine die, and there shall be
24 excluded from the computation of such 30-day period any
25 day during which either House of Congress is not in ses-

1 sion during an adjournment of more than 3 days to a day
2 certain.

3 **SEC. 6. USE OF PROCEEDS.**

4 (a) IN GENERAL.—Net proceeds to the Government
5 from a development or other agreement entered into under
6 section 3 shall be deposited into, administered, and ex-
7 pended, subject to appropriations Acts, as part of the fund
8 established under section 592 of title 40, United States
9 Code. In this subsection, the term “net proceeds from an
10 agreement entered into under section 3” means the pro-
11 ceeds from the agreement minus the expenses incurred by
12 the Administrator with respect to the agreement.

13 (b) RECOVERY OF EXPENSES.—The Administrator
14 may retain from the proceeds of a development or other
15 agreement entered into under section 3 amounts necessary
16 to recover the expenses incurred by the Administrator with
17 respect to the agreement. Such amounts may be expended
18 without further appropriation or authorization or may be
19 used to reimburse the fund or account of the Adminis-
20 trator that initially incurred the expense with respect to
21 the agreement.

22 **SEC. 7. SAVINGS CLAUSE.**

23 The authority granted to the Administrator of Gen-
24 eral Services under this Act with respect to the Old Post
25 Office Building shall be in addition to authorities of the

- 1 Administrator to acquire, operate, maintain, protect, or
- 2 dispose of real property.

