

110TH CONGRESS
2D SESSION

H. R. 5350

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22 (legislative day, SEPTEMBER 17), 2008

Received

AN ACT

To authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, 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,*

1 **SECTION 1. SALE OR EXCHANGE OF NOAA PROPERTY IN**
2 **NORFOLK, VIRGINIA.**

3 (a) IN GENERAL.—The Secretary of Commerce may
4 sell or exchange to the City of Norfolk, Virginia, in accord-
5 ance with chapter 13 of title 40, United States Code, real
6 property under the administrative jurisdiction of the Na-
7 tional Oceanic and Atmospheric Administration (in this
8 section referred to as “NOAA”), including land and im-
9 provements thereon, located at 538 Front Street, Norfolk,
10 Virginia, consisting of approximately 3.78 acres, if the
11 Secretary—

12 (1) determines that the conveyance is in the
13 best interests of NOAA and the Federal Govern-
14 ment; and

15 (2) has provided prior notification to the Com-
16 mittee on Natural Resources and the Committee on
17 Appropriations of the House of Representatives and
18 the Committee on Commerce, Science, and Trans-
19 portation and the Committee on Appropriations of
20 the Senate.

21 (b) CONSIDERATION.—

22 (1) IN GENERAL.—For any conveyance under
23 this section the Secretary shall require the City of
24 Norfolk to provide consideration to the United
25 States that is not less than the fair market value of
26 the property conveyed by the United States.

1 (2) FORM.—Consideration under this sub-
2 section may include any combination of—

3 (A) cash or cash equivalents;

4 (B) other property (either real or per-
5 sonal); and

6 (C) consideration in-kind, including—

7 (i) provision of space, goods, or serv-
8 ices of benefit to NOAA including con-
9 struction, repair, remodeling, or other
10 physical improvements of NOAA property;

11 (ii) maintenance of NOAA property;

12 (iii) provision of office, storage, or
13 other useable space; or

14 (iv) relocation services associated with
15 conveyance of property under this section.

16 (3) DETERMINATION OF FAIR MARKET
17 VALUE.—The Secretary shall determine fair market
18 value for purposes of paragraph (1) based upon a
19 highest- and best-use appraisal of the property con-
20 veyed under subsection (a) conducted in conform-
21 ance with the Uniform Appraisal Standards for Pro-
22 fessional Appraisal Practice.

23 (c) USE OF PROCEEDS.—Amounts received under
24 subsection (b)(2)(A) by the United States as proceeds of

1 any conveyance under this section shall be available to the
 2 Secretary, subject to appropriation, for—

3 (1) activities related to the operations of, or
 4 capital improvements, to NOAA property; or

5 (2) relocation and other costs associated with
 6 the sale or exchange.

7 (d) ADDITIONAL TERMS AND CONDITIONS.—The
 8 Secretary may require such additional terms and condi-
 9 tions in connection with the conveyance of property by the
 10 United States under subsection (a) as the Secretary con-
 11 siderers appropriate to protect the interest of the United
 12 States, including the recoupment of any profit the City
 13 of Norfolk may realize within three years after the date
 14 of conveyance to the City due to resale of the property

15 (e) TERMINATION.—The authority granted to the
 16 Secretary under subsections (a) and (b) shall terminate
 17 at the end of the 24-month period beginning on the date
 18 of enactment of this Act if no contract for sale or exchange
 19 under subsection (a) has been entered into by the City
 20 of Norfolk and the United States.

Passed the House of Representatives September 17,
 2008.

Attest: LORRAINE C. MILLER,
Clerk.