

108TH CONGRESS
1ST SESSION

S. 1788

To amend title 40, United States Code, to authorize the Administrator of General Services to lease and redevelop certain Federal property on the Denver Federal Center in Lakewood, Colorado.

IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 2003

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend title 40, United States Code, to authorize the Administrator of General Services to lease and redevelop certain Federal property on the Denver Federal Center in Lakewood, Colorado.

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 shall be cited as the “Denver Federal Center
5 Redevelopment Act”.

1 **SEC. 2. DENVER FEDERAL CENTER DEVELOPMENT AU-**
2 **THORITY.**

3 Part C of subtitle II of title 40, United States Code,
4 is amended by adding at the end the following new chap-
5 ter:

6 **“CHAPTER 71. DENVER FEDERAL CENTER**
7 **DEVELOPMENT**

8 **“§ 7101. Master Lease Development Authority**

9 “(a) IN GENERAL.—The Administrator of General
10 Services may enter into leases of Federal real property,
11 including improvements thereon, with totally non-Federal
12 entities to provide for the construction, rehabilitation, op-
13 eration, maintenance, or use of all, or portions of, the
14 Denver Federal Center as described in section 7106, or
15 such other activities related to the Denver Federal Center
16 as the Administrator considers appropriate. For purposes
17 of this chapter, a lease of Federal real property, including
18 improvements thereon, shall be referred to as a master
19 lease.

20 “(b) TERMS AND CONDITIONS.—A master lease en-
21 tered into under this section—

22 “(1) shall have as its primary purpose enhanc-
23 ing the value of the Denver Federal Center to the
24 United States;

25 “(2) shall be negotiated pursuant to such proce-
26 dures as the Administrator considers necessary to

1 ensure the integrity of the selection process and to
2 protect the interests of the United States;

3 “(3) may provide a lease option to the United
4 States, to be exercised at the discretion of the Ad-
5 ministrator, to occupy any general purpose office,
6 storage or other usable space in a facility covered
7 under the master lease;

8 “(4) shall be for a term not to exceed 50 years;

9 “(5) shall describe the consideration, duties and
10 responsibilities for which the United States and the
11 non-Federal entity are responsible;

12 “(6) shall provide—

13 “(A) that all development risk shall remain
14 with the non-Federal entity;

15 “(B) that the United States will not be lia-
16 ble for any action, debt or liability of any non-
17 Federal entity; and

18 “(C) that such non-Federal entity may not
19 execute any instrument or document creating or
20 evidencing any indebtedness unless such instru-
21 ment or document specifically disclaims any li-
22 ability of the United States under the instru-
23 ment or document; and

24 “(7) shall include such other terms and condi-
25 tions as the Administrator considers appropriate.

1 “(c) CONSIDERATION.—A master lease entered into
 2 under this section shall be for fair consideration, as deter-
 3 mined by the Administrator. Consideration under a master
 4 lease may be provided in whole or in part through in-kind
 5 consideration, including provision of other real and related
 6 property, goods or services of benefit to the United States,
 7 construction, repair, remodeling, or other physical im-
 8 provements of Federal property, environmental remedi-
 9 ation or maintenance of Federal property, or the provision
 10 of office, storage or other usable space.

11 **“§ 7102. Additional Authorities**

12 “(a) AUTHORITY TO CONVEY REMAINING INTER-
 13 ESTS.—In carrying out a master lease entered into under
 14 this chapter, the Administrator is authorized to convey the
 15 interest of the United States in the property covered by
 16 the master lease to the non-Federal entity by sale or ex-
 17 change, if the Administrator first determines in writing
 18 that such conveyance is in the interests of the United
 19 States;

20 “(b) OTHER AUTHORITIES NOT AFFECTED.—The
 21 authority to enter into a master lease under this chapter
 22 shall be in addition to, and not in lieu of, any other au-
 23 thorities of the Administrator to convey interests in real
 24 property by lease, sale, or exchange.

1 “(c) OBLIGATIONS TO MAKE PAYMENTS.—Any obli-
 2 gation to make payments by the Administrator for the use
 3 of space, goods or services by the General Services Admin-
 4 istration on property that is subject to a master lease
 5 under this chapter may only be made to the extent that
 6 necessary funds have been made available to the Adminis-
 7 trator, in advance, in an annual appropriations Act.

8 **“§ 7103. Relationship to Other Laws**

9 “(a) IN GENERAL.—The authority of the Adminis-
 10 trator under this chapter shall not be subject to—

11 “(1) sections 521 through 529 and sections 541
 12 through 559;

13 “(2) section 1302;

14 “(3) section 3307; or

15 “(4) any other provision of law (other than
 16 Federal laws relating to environmental and historic
 17 preservation) inconsistent with this chapter.

18 “(b) UNUTILIZED OR UNDERUTILIZED PROPERTY.—
 19 Any property covered under a master lease entered into
 20 under this section shall be deemed to be property for which
 21 there is a continuing Federal need and may not be consid-
 22 ered to be unutilized or underutilized for purposes of sec-
 23 tion 501 of the McKinney-Vento Homeless Assistance Act
 24 (42 U.S.C. 11411).

1 **“§ 7104. Use of Proceeds**

2 “(a) IN GENERAL.—Net proceeds from a master
3 lease entered into under section 7101 shall be deposited
4 into, administered, and expended, subject to appropria-
5 tions Acts, as part of the Federal Building Fund estab-
6 lished under section 592. In this section, the term ‘net
7 proceeds from a master lease entered into under section
8 7101’ means the rental proceeds from the master lease
9 minus the expenses incurred by the Administrator with re-
10 spect to the master lease.

11 “(b) RECOVERY OF EXPENSES.—The Administrator
12 may retain from the proceeds of a master lease entered
13 into under section 7101 amounts necessary to recover the
14 expenses incurred by the Administrator with respect to the
15 master lease. Such amounts shall be deposited in the ac-
16 count in the Treasury from which the Administrator in-
17 curs such expenses.

18 **“§ 7105. Reporting Requirements**

19 “(a) IN GENERAL.—Before entering into a master
20 lease under section 7101, the Administrator of General
21 Services shall transmit to the appropriate committees of
22 Congress a report on the proposed development and mas-
23 ter lease of the Denver Federal Center not less than 30
24 days before the award of a master lease.

25 “(b) CONTENTS.—A report transmitted under this
26 section shall include a summary of a cost-benefit analysis

1 of the proposed development and a description of the pro-
 2 visions of the proposed master lease.

3 **“§ 7106. Description of the Denver Federal Center**

4 “As used in this chapter, the term ‘Denver Federal
 5 Center’ means a parcel of land, located in section 9 and
 6 in the East half of the East half of the East half Section
 7 8, Township 4 South, Range 69 West of the Sixth Prin-
 8 cipal Meridian, being more particularly described as fol-
 9 lows:

10 “Commencing at the northeast corner of said
 11 section 9;

12 “thence S76°38’34”W a distance of 779.20 feet
 13 to a point on the southerly right-of-way line of West
 14 6th Avenue being also the true point of beginning;

15 “thence S45°23’16”E a distance of 932.42 feet
 16 to a point on the westerly right-of-way line of Kip-
 17 ling Street;

18 “thence along the westerly right-of-way line of
 19 said Kipling Street the following three courses:

20 “thence S00°23’16”E, a distance of
 21 1806.59 feet;

22 “thence S00°23’04”E, a distance of
 23 2341.02 feet;

1 “thence S44°37’45”W, a distance of
2 355.19 feet to a point on the northerly right-
3 of-way line of West Alameda Avenue;

4 “thence along the northerly right-of-way line of
5 said West Alameda Avenue the following three
6 courses:

7 “thence S89°23’50”W, a distance of
8 2298.81 feet;

9 “thence S89°24’08”W, a distance of
10 2544.90 feet to a point of tangent curve;

11 “thence along said curve to the left an arc
12 distance of 475.81 feet, having a central angle
13 of 11°38’25”, a radius of 2342.00 feet and a
14 chord bearing of S83°31’57”W, a chord dis-
15 tance of 474.99 feet to a point on the south line
16 of the southeast quarter of said section 8;

17 “thence S89°37’30”W, along the said south
18 line, a distance of 296.29 feet to a point on the
19 westerly line of the east half of the east half of the
20 east half of said section 8;

21 “thence along the westerly line of the east half
22 of the east half of the east half of said section 8 the
23 following two courses;

24 “thence N00°00’10”W, a distance of
25 2634.40 feet;

1 thence N00°00'33"W, a distance of
2 2344.86 feet to a point on the southerly right-
3 of-way line of West 6th Avenue;

4 “thence along said southerly right-of-way line
5 the following five courses:

6 “thence N89°44'33"E, a distance of
7 655.37 feet to a point on the westerly line of
8 the northwest quarter of said section 9;

9 “thence N89°44'33"E, a distance of 50.00
10 feet;

11 “thence N81°11'33"E, a distance of
12 856.70 feet;

13 “thence N89°14'41"E, a distance of
14 1741.83 feet;

15 “thence N89°14'40"E, a distance of
16 1876.55 feet to the point of beginning.

17 “Said parcel contains 29,182,824 square feet or
18 669.95 acres, more or less.

19 “Note: For the purpose of this description the bear-
20 ings are based on the east line of the northeast quarter
21 of said section 9 bearing S00°23'16"E, a distance of
22 2640.79 feet and monumented by a found 3¼" aluminum
23 cap marked 'l.p.i. pls 34986' on the north end and by a
24 found 3¼" aluminum cap marked 'vigil land consultants
25 ls 20699' on the south end.”.

1 **SEC. 3. CONFORMING AMENDMENT.**

2 The index for part C of subtitle II of title 40, United
3 States Code, is amended by inserting the following at the
4 end:

“CHAPTER 71. DENVER FEDERAL CENTER DEVELOP-
MENT.”.

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