

Public Law 110–393
110th Congress

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.

Oct. 13, 2008
[H.R. 5350]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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

(a) **IN GENERAL.**—The Secretary of Commerce may sell or exchange to the City of Norfolk, Virginia, in accordance with chapter 13 of title 40, United States Code, real property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration (in this section referred to as “NOAA”), including land and improvements thereon, located at 538 Front Street, Norfolk, Virginia, consisting of approximately 3.78 acres, if the Secretary—

(1) determines that the conveyance is in the best interests of NOAA and the Federal Government; and

(2) has provided prior notification to the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate.

Notification.

(b) **CONSIDERATION.**—

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

(2) **FORM.**—Consideration under this subsection may include any combination of—

(A) cash or cash equivalents;

(B) other property (either real or personal); and

(C) consideration in-kind, including—

(i) provision of space, goods, or services of benefit to NOAA including construction, repair, remodeling, or other physical improvements of NOAA property;

(ii) maintenance of NOAA property;

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

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

(3) **DETERMINATION OF FAIR MARKET VALUE.**—The Secretary shall determine fair market value for purposes of paragraph (1) based upon a highest- and best-use appraisal of the property

conveyed under subsection (a) conducted in conformance with the Uniform Appraisal Standards for Professional Appraisal Practice.

(c) USE OF PROCEEDS.—Amounts received under subsection (b)(2)(A) by the United States as proceeds of any conveyance under this section shall be available to the Secretary, subject to appropriation, for—

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

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

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of property by the United States under subsection (a) as the Secretary considers appropriate to protect the interest of the United States, including the recoupment of any profit the City of Norfolk may realize within three years after the date of conveyance to the City due to resale of the property

(e) TERMINATION.—The authority granted to the Secretary under subsections (a) and (b) shall terminate at the end of the 24-month period beginning on the date of enactment of this Act if no contract for sale or exchange under subsection (a) has been entered into by the City of Norfolk and the United States. Notwithstanding any other provision of law, the Secretary of Commerce, through the Under Secretary and Administrator of the National Oceanic and Atmospheric Administration (NOAA), is authorized to enter into a land lease with Mobile County, Alabama for a period of not less than 40 years, on such terms and conditions as NOAA deems appropriate, for purposes of construction of a Gulf of Mexico Disaster Response Center facility, provided that the lease is at no cost to the government. NOAA may enter into agreements with state, local, or county governments for purposes of joint use, operations and occupancy of such facility.

Real property.
Alabama.

Approved October 13, 2008.

LEGISLATIVE HISTORY—H.R. 5350:

HOUSE REPORTS: No. 110-822, Pt. 1 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 154 (2008):

Sept. 15, 17, considered and passed House.

Sept. 26, considered and passed Senate, amended.

Sept. 29, House concurred in Senate amendment.