

DCN: 6464



BRAC Commission

~~AUG 02 2005~~

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BRAC Commission

AUG 03 2005

UNITED STATES INSTITUTE OF PEACE ^{Received}

FACSIMILE TRANSMISSION COVER PAGE

TO: DAVID VAN SAUN
JOINT CROSS SERVICE TEAM LEADER
ORGANIZATION:
BASE CLOSURE + REALIGNMENT COMMISSION
FAX NUMBER:

703-699-2735

SENDER: CHARLES E. NELSON (202)429-3831 FAX: (202) 833-1778

NUMBER OF PAGES (INCLUDING THIS COVER): 9

DATE: 8/2/05

MESSAGE

Dear Dave -

Here is a copy of an email I sent to you plus some key documents regarding the site for construction of the Institute of Peace's headquarters at 23d & CONSTITUTION.

Chick Nelson

From: Chick Nelson <cnelson@usip.org>
Subject: Institute of Peace Building
Date: August 2, 2005 6:13:28 PM EDT
To: david.vansaun@wso.whs.mil

Dear Dave:

Many thanks for taking the time to talk with me yesterday and for your assurances that, based on our agreement with the Navy, the BRAC process would not interfere with our plans for constructing a headquarters building at 23rd and Constitution.

For more information about our headquarters project, please visit the web site of the United States Institute of Peace at www.usip.org/building, where you will find renderings of the projected building, a fact sheet on the building project, and news about the Institute in general.

I will also fax you (and send you hard copies separately) copies of (1) the provision in the Defense Authorization Act for FY 1997 (September 26, 1996) authorizing the Navy to transfer the site to the Institute of Peace; (2) the Institute's agreement with the Navy for the transfer of the site, dated November 21, 1996; (3) Section 118 of the Consolidated Appropriations Act of 2005 appropriating \$100 million for the construction of the Institute's headquarters building; and (4) a letter dated April 21, 2005, from the Assistant Secretary of the Navy (Installations and Environment) reconfirming the November 1996 agreement.

Thanks again for your help. Please let me know if you have any questions.

Chick Nelson

Charles E. Nelson
Vice President
United States Institute of Peace
1200 17th Street, NW
Washington, DC 20036

Phone: (202) 429-3831
FAX: (202) 833-1778
Email: cnelson@usip.org

①

PUBLIC LAW 104-201—SEPT. 23, 1996

NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 1997

PUBLIC LAW 104-201—SEPT. 23, 1996

110 STAT. 2795

under this section, including administrative costs, the costs of an environmental baseline survey with respect to the property, and the cost of any protection services required by the Secretary in order to secure operations of the chemical demilitarization facility from activities on the property after the conveyance.

(e) **REVERSIONARY INTERESTS.**—If the Secretary determines at any time during the 25-year period referred to in subsection (c)(2) that the property conveyed under this section is not being used in accordance with that subsection, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have immediate right of entry thereon.

(f) **SALE OF PROPERTY BY ALLIANCE.**—If at any time during the 25-year period referred to in subsection (c)(2) the Alliance sells all or a portion of the property conveyed under this section, the Alliance shall pay the United States an amount equal to the lesser of—

(1) the amount of the sale of the property sold; or

(2) the fair market value of the property sold at the time of the sale, excluding the value of any improvements to the property sold that have been made by the Alliance.

(g) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Alliance.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2828. REAFFIRMATION OF LAND CONVEYANCES, FORT SHERIDAN, ILLINOIS.

As soon as practicable after the date of the enactment of this Act, the Secretary of the Army shall complete the land conveyances involving Fort Sheridan, Illinois, required or authorized under section 125 of the Military Construction Appropriations Act, 1996 (Public Law 104-32; 109 Stat. 290).

PART II—NAVY CONVEYANCES

SEC. 2831. LAND TRANSFER, POTOMAC ANNEX, DISTRICT OF COLUMBIA.

(a) **TRANSFER AUTHORIZED.**—The Secretary of the Navy may transfer, without consideration other than the reimbursement provided for in subsection (d), to the United States Institute of Peace (in this section referred to as the "Institute") administrative jurisdiction over a parcel of real property, including any improvements thereon, consisting of approximately 8 acres, at the northwest corner of Twenty-third Street and Constitution Avenue, Northwest, District of Columbia, the site of the Potomac Annex.

(b) **CONDITION.**—The Secretary may not make the transfer specified in subsection (a) unless the Institute agrees to provide the Navy a number of parking spaces at or in the vicinity of the headquarters to be constructed on the parcel transferred equal to the number of parking spaces available to the Navy on the parcel as of the date of the transfer.

(c) **REQUIREMENT RELATING TO TRANSFER.**—The transfer specified in subsection (a) may not occur until the Institute obtains

110 STAT. 2796

PUBLIC LAW 104-201—SEPT. 23, 1996

all permits, approvals, and site plan reviews required by law with respect to the construction on the parcel of a headquarters for operations of the Institute.

(d) COSTS.—The Institute shall reimburse the Secretary for the costs incurred by the Secretary in carrying out the transfer specified in subsection (a).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be transferred under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Institute.

SEC. 2832. LAND EXCHANGE, ST. HELENA ANNEX, NORFOLK NAVAL SHIPYARD, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey to such private person as the Secretary considers appropriate (in this section referred to as the “transferee”) all right, title, and interest of the United States in and to a parcel of real property that is located at the Norfolk Naval Shipyard, Virginia, and, as of the date of the enactment of this Act, is a portion of the property leased to the Norfolk Shipbuilding and Drydock Company pursuant to the Department of the Navy lease N00024-84-L-0004, effective October 1, 1984, as extended.

(2) Pending completion of the conveyance authorized by paragraph (1), the Secretary may lease the real property to the transferee upon such terms as the Secretary considers appropriate.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), including any interim lease authorized by such subsection, the transferee shall—

(1) convey to the United States all right, title, and interest to a parcel or parcels of real property, together with any improvements thereon, located in the area of Portsmouth, Virginia, which are determined to be acceptable to the Secretary; and

(2) pay to the Secretary an amount equal to the amount, if any, by which the fair market value of the parcel conveyed by the Secretary under subsection (a) exceeds the fair market value of the parcel conveyed to the United States under paragraph (1).

(c) USE OF RENTAL AMOUNTS.—The Secretary may use the amounts received as rent from any lease entered into under the authority of subsection (a)(2) to fund environmental studies of the parcels of real property to be conveyed under this section.

(d) IN-KIND CONSIDERATION.—The Secretary and the transferee may agree that, in lieu of all or any part of the consideration required by subsection (b)(2), the transferee may provide and the Secretary may accept the improvement, maintenance, protection, repair, or restoration of real property under the control of the Secretary in the area of Hampton Roads, Virginia.

(e) DETERMINATION OF FAIR MARKET VALUE AND PROPERTY DESCRIPTION.—The Secretary shall determine the fair market value of the parcels of real property to be conveyed under subsections (a) and (b)(1). The exact acreage and legal description of the parcels shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the transferee.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with

GL29-USIP
MILCON
TITLE:XXVIII (2822)

LAUFFER
RIEF
May 6, 1996 (11:51am)

SENATE
COMMITTEE
REPORT

1996

Land transfer, Potomac Annex, District of Columbia.

The United States Institute of Peace was established by Congress in the National Defense Authorization Act for Fiscal Year 1985. In 1992, Congress authorized the Institute, a Federal institution, to raise private funds to finance the construction of a permanent headquarters. The Institute has identified a three acre parcel of real property, currently administered by the Department of the Navy as a parking lot, as the site for the headquarters building.

The committee recommends a provision that would direct the Secretary of the Navy to transfer approximately three acres of real property located at the Potomac Annex in the District of Columbia to the administrative jurisdiction of the United States Institute of Peace. The committee understands that with administrative jurisdiction, the Institute would maintain custody of and accountability for the parcel of real property. The Institute plans to construct with privately-raised funds, operate, and maintain a permanent headquarters facility on the parcel. As a condition of the transfer, the Institute shall agree to make available to the Navy permanent parking space at the headquarters building and interim parking during construction of the headquarters building.



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

(2)
TRANSFER AGREEMENT

21 November 1996

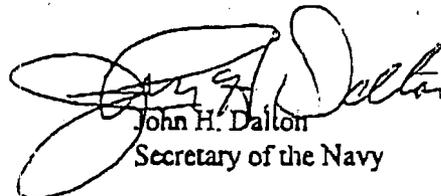
Dr. Richard H. Solomon
President
United States Institute of Peace
1550 M Street, N.W., 7th Floor
Washington, DC 20005

Dear Dr. Solomon:

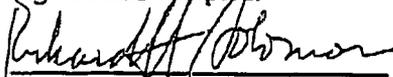
As authorized by Section 2831 of the National Defense Authorization Act for Fiscal Year 1997, and subject to the prerequisites set out below, I hereby transfer to the United States Institute of Peace ("Institute"), without consideration other than reimbursement as provided below, administrative jurisdiction over a parcel of real property ("property"), including any improvements thereon, consisting of approximately three (3) acres at the northwest corner of 23d Street and Constitution Avenue, N.W., District of Columbia, the site of the Potomac Annex. This transfer will be recorded by deleting this property from the appropriate Department of the Navy Class I plant account and placing it on the Institute's plant account. The statutory prerequisites to completing the transfer of the property are:

1. An agreement by the Institute to provide permanent indoor parking space to the Navy in the headquarters building when constructed, and interim parking space in the vicinity during construction of the headquarters building, equal to the number available to the Navy as of the date of the transfer;
2. Certification by the President of the Institute to the Secretary of the Navy that the Institute has obtained all permits, approvals, and site plan reviews required by law for the commencement of construction on the property of a headquarters for the operations of the Institute, which shall include compliance with the requirements of all applicable Federal statutes, such as the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*);
3. Certification by the Assistant Secretary of the Navy (Installations and Environment) that the Institute has reimbursed the Department of the Navy of all costs incurred by the Department of the Navy in carrying out the transfer of this property; and
4. Submission to the Department of the Navy (as represented by the Assistant Secretary of the Navy (Installations and Environment) of the exact acreage and legal description of the property as determined by a survey which is satisfactory to the Secretary of the Navy, the cost of which shall have been borne by the Institute,.

When the prerequisites listed above have been satisfied, the transfer of administrative jurisdiction of the property will be complete.


John H. Dalton
Secretary of the Navy

Agreed and accepted:



Richard H. Solomon
President
United States Institute of Peace

Public Law 108-447
"Consolidated Appropriations Act, 2005"

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Division J – Other Matters
Title I – Miscellaneous Provisions and Offsets

SEC. 118. In addition, for construction and related expenses of a facility for the United States Institute of Peace, \$100,000,000, to remain available until expended.

.....

SEC. 122. (a) ACROSS-THE-BOARD RESCISSIONS- There is hereby rescinded an amount equal to 0.80 percent of--

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2005 for any discretionary account in divisions A through J of this Act and in any other fiscal year 2005 appropriation Act (except any fiscal year 2005 supplemental appropriation Act, the Department of Homeland Security Appropriations Act, 2005, the Department of Defense Appropriations Act, 2005, or the Military Construction Appropriations Act, 2005);

(2) the budget authority provided in any advance appropriation for fiscal year 2005 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2005 for any program subject to limitation contained in any division or appropriation Act subject to paragraph (1).

(b) PROPORTIONATE APPLICATION- Any rescission made by subsection (a) shall be applied proportionately--

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

This title may be cited as the 'Miscellaneous Appropriations and Offsets Act, 2005'.



DEPARTMENT OF THE NAVY
THE ASSISTANT SECRETARY OF THE NAVY
(INSTALLATIONS AND ENVIRONMENT)
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

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Dr. Richard H. Solomon
President, United States Institute of Peace
1200 17th Street NW
Washington, DC 20036-3011

APR 21 2005

Dear Dr. Solomon:

Thank you so much for taking the time to visit and brief me on the concept for your new HQ building. It was a pleasure meeting you, Charles Nelson, and John Stranix, and hearing about the great things USIP is doing and its plans for the future. I would certainly like to hear more about the USIP mission when your schedule permits.

We continue to stand by the original Navy-USIP agreement signed in November 1996. Additionally, during the meeting, you brought up the open issue regarding the number of parking spaces to be provided to Navy during and after construction, per the 1996 agreement. I have confirmed that 140 parking spaces is the correct number.

We look forward to working with you and USIP in the future. Obviously, Naval District Washington's North Area Operations folks would be your primary contact for day-to-day, site-related issues. But, please stay in touch on larger issues, should there be any, that we can help resolve.

Sincerely,

BJ Penn