

106TH CONGRESS  
1ST SESSION

# S. 929

To provide for the establishment of a National Military Museum, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 29, 1999

Mr. ROBB (for himself, Mrs. HUTCHISON, Mr. KERREY, Mr. HAGEL, Mr. REED, Mr. SMITH of New Hampshire, Mr. CLELAND, Mr. ABRAHAM, and Mr. HUTCHINSON) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To provide for the establishment of a National Military Museum, 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,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Military Mu-  
5 seum Act”.

6 **SEC. 2. NATIONAL MILITARY MUSEUM FOUNDATION.**

7       (a) ESTABLISHMENT.—(1) Part B of subtitle II of  
8 title 36, United States Code, is amended by inserting after  
9 chapter 1519 the following new chapter:

1       **“CHAPTER 1520—NATIONAL MILITARY**  
 2                   **MUSEUM FOUNDATION**

“**Sec.**

“151951. Establishment.

“151952. Purpose.

“151953. Membership.

“151954. Governing body.

“151955. Organizational matters.

“151956. Officers and employees.

“151957. Powers.

“151958. Duty to maintain tax-exempt status.

“151959. Records and inspection.

“151960. Service of process.

“151961. Liability for acts of officers and agents.

“151962. Annual report.

3       **“§ 151951. Establishment**

4           “There is established a nonprofit corporation to be  
 5 known as the ‘National Military Museum Foundation’ (in  
 6 this chapter referred to as the ‘Foundation’). The Founda-  
 7 tion is not an agency or instrumentality of the United  
 8 States.

9       **“§ 151952. Purpose**

10          “(a) IN GENERAL.—The Foundation shall have as its  
 11 purpose to provide for the location, design, construction,  
 12 and operation and maintenance of a national museum in  
 13 the National Capital area for honoring the service to the  
 14 United States of the members of the Armed Forces. The  
 15 museum shall be known as the ‘National Military Mu-  
 16 seum’.

17          “(b) DISCHARGE OF CERTAIN RESPONSIBILITIES.—  
 18 The Foundation shall provide for the location, design, and

1 construction of the museum in accordance with the provi-  
2 sions of section 3 of the National Military Museum Act.

3 **“§ 151953. Membership**

4 “Eligibility for membership in the Foundation and  
5 the rights and privileges of members shall be as provided  
6 in the bylaws of the Foundation.

7 **“§ 151954. Governing body**

8 “(a) BOARD OF DIRECTORS.—The Foundation shall  
9 have a board of directors composed of 10 individuals ap-  
10 pointed from among individuals who have an expertise in  
11 military or museum matters, of whom—

12 “(1) six shall be appointed by the President;

13 “(2) one shall be appointed by the Chairman of  
14 the Committee on Armed Services of the Senate;

15 “(3) one shall be appointed by the Ranking  
16 Member of the Committee on Armed Services of the  
17 Senate;

18 “(4) one shall be appointed by the Chairman of  
19 the Committee on Armed Services of the House of  
20 Representatives; and

21 “(5) one shall be appointed by the Ranking  
22 Member of the Committee on Armed Services of the  
23 House of Representatives.

24 “(b) EX OFFICIO MEMBERS.—The following shall be  
25 *ex officio* members of the board of directors:

1 “(1) The Secretary of Defense.

2 “(2) The Secretary of the Army.

3 “(3) The Secretary of the Navy.

4 “(4) The Secretary of the Air Force.

5 “(5) The Commandant of the Marine Corps.

6 “(6) The Commandant of the Coast Guard.

7 “(7) The Secretary of the Smithsonian Institu-  
8 tion.

9 “(8) The Chairman of the National Capital  
10 Planning Commission.

11 “(9) The Chairperson of the Commission of  
12 Fine Arts.

13 “(10) The Chairman of the County Board of  
14 Arlington County, Virginia.

15 “(c) ORIGINAL CHAIRPERSON.—The President shall  
16 designate one of the individuals first appointed to the  
17 board of directors under subsection (a)(1) as the chair-  
18 person of the board of directors.

19 “(d) ADDITIONAL MATTERS.—The terms, method of  
20 further appointment, and responsibilities of the board of  
21 directors shall be as provided for in the articles of incorpo-  
22 ration of the Foundation.

23 **“§ 151955. Organizational matters**

24 “The members of the board of directors first ap-  
25 pointed under section 151954 of this title shall—

1           “(1) adopt a constitution and bylaws for the  
2           Foundation;

3           “(2) serve as incorporators of the Foundation;  
4           and

5           “(3) take whatever other actions the Board de-  
6           termines appropriate in order to establish the Foun-  
7           dation as a nonprofit corporation.

8   **“§ 151956. Officers and employees**

9           “(a) EXECUTIVE DIRECTOR AND OTHER OFFI-  
10          CERS.—The Foundation shall have an executive director  
11          appointed by the board of directors and such other officers  
12          as the board of directors may appoint. The executive direc-  
13          tor and other officers of the Foundation shall be com-  
14          pensated at rates fixed by the board of directors and shall  
15          serve at the pleasure of the board of directors.

16          “(b) EMPLOYEES.—Subject to the approval of the  
17          board of directors, the Foundation may employ such indi-  
18          viduals, and at such rates of compensation, as the execu-  
19          tive director determines appropriate.

20          “(c) VOLUNTEERS.—Subject to the approval of the  
21          board of directors, the Foundation may accept the services  
22          of volunteers in the performance of the functions of the  
23          Foundation.

1 **“§ 151957. Powers**

2 “(a) IN GENERAL.—In order to carry out its purpose  
3 under this chapter, the Foundation is authorized to—

4 “(1) accept, hold, administer, invest, and spend  
5 any gift, devise, or bequest of real or personal prop-  
6 erty made to the Foundation;

7 “(2) enter into contracts with individuals, pub-  
8 lic or private organizations, professional societies,  
9 and government agencies for the purpose of carrying  
10 out the activities of the Foundation; and

11 “(3) enter into such other contracts, leases, co-  
12 operative agreements, and other transactions at the  
13 executive director of the Foundation considers ap-  
14 propriate to carry out its activities.

15 “(b) DEPOSIT OF FUNDS.—The Foundation shall  
16 provide for the deposit of any monetary gift, devise, or  
17 bequest under subsection (a), and any investment or other  
18 income under that subsection, in an appropriate deposi-  
19 tory institution.

20 “(c) TAX TREATMENT OF GIFTS.—Gifts, bequests, or  
21 devises to the Foundation under this chapter shall be free  
22 of all taxes imposed by the United States Government.

23 “(d) PUBLICATIONS.—The Foundation may publish  
24 and sell to the public catalogs, handbooks, drawings and  
25 photographs, pamphlets, guidebooks, and other materials  
26 relating to the collection of the National Military Museum.

1       “(e) LIMITATIONS.—(1) The Foundation shall have  
2 only the powers provided in its bylaws and articles of in-  
3 corporation.

4       “(2) The Foundation may use only funds received by  
5 the Foundation under subsection (a) (including funds con-  
6 tributed to the Foundation under section 4 of the National  
7 Military Museum Act), income derived from the invest-  
8 ment of such funds and from other property received by  
9 the Foundation under that subsection, and proceeds of the  
10 sale of materials under subsection (d) for purposes of its  
11 activities.

12 **“§ 151958. Duty to maintain tax-exempt status**

13       “The Foundation shall maintain its status as an or-  
14 ganization exempt from taxation under the Internal Rev-  
15 enue Code of 1986 (26 U.S.C. 1 et seq.).

16 **“§ 151959. Records and inspection**

17       “(a) RECORDS.—The Foundation shall keep—

18               “(1) correct and complete records of account;

19               “(2) minutes of the proceedings of its members,  
20 board of directors, and committees having any of the  
21 authority of its board of directors; and

22               “(3) at its principal office, a record of the  
23 names and addresses of its members entitled to vote  
24 in matters relating to the Foundation.

1 “(b) INSPECTION.—A member entitled to vote in  
 2 matters relating to the Foundation, or an agent or attor-  
 3 ney of the member, may inspect the records of the Foun-  
 4 dation for any proper purpose at any reasonable time.

5 **“§ 151960. Service of process**

6 “The Foundation shall comply with the law on service  
 7 of process of each State in which it is incorporated and  
 8 each State in which it carries out activities.

9 **“§ 151961. Liability for acts of officers and agents**

10 “The Foundation shall be liable for the acts of its  
 11 officers and agents acting within the scope of their author-  
 12 ity.

13 **“§ 151962. Annual report**

14 “The Foundation shall submit to Congress an annual  
 15 report on the activities of the Foundation during the prior  
 16 fiscal year. The report shall be submitted at the same time  
 17 as the report of the audit required by section 10101 of  
 18 this title. The report shall not be printed as a public docu-  
 19 ment.”.

20 (2) The table of chapters at the beginning of subtitle  
 21 II of title 36, United States Code, is amended by inserting  
 22 after the item relating to chapter 1519 the following:

“1520. NATIONAL MILITARY MUSEUM FOUNDATION .....151951”.

23 (b) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
 24 Federal Government employee (including any member of  
 25 the Armed Forces) may be detailed to the National Mili-

1 tary Museum Foundation established under chapter 1520  
2 of title 36, United States Code (as added by subsection  
3 (a)), without reimbursement, and such detail shall be with-  
4 out interruption or loss of status or privilege.

5 **SEC. 3. NATIONAL MILITARY MUSEUM.**

6 (a) IN GENERAL.—(1) The National Military Mu-  
7 seum Foundation (in this section referred to as the  
8 “Foundation”) established under chapter 1520 of title 36,  
9 United States Code (as added by section 2(a) of this Act),  
10 shall provide for the location, design, and construction of  
11 a national museum in the National Capital area for pur-  
12 poses of honoring the service to the United States of the  
13 members of the Armed Forces.

14 (2) The museum shall be known as the “National  
15 Military Museum” (in this section referred to as the “Mu-  
16 seum”).

17 (b) PURPOSES OF MUSEUM.—(1) The Museum shall  
18 have the following purposes:

19 (A) To provide a location in the National Cap-  
20 ital area for the display of, and interaction with, ar-  
21 tifacts and representations of the Armed Forces and  
22 of the wars in which the United States has been en-  
23 gaged.

1           (B) To honor the service to the United States  
2 of the active and reserve members of the Armed  
3 Forces and the veterans of the United States.

4           (C) To educate current and future generations  
5 regarding the Armed Forces and the sacrifices of  
6 members of the Armed Forces and the Nation in  
7 furtherance of the defense of freedom.

8           (D) To foster public pride in the achievements  
9 and activities of the Armed Forces.

10          (2) The Museum may not serve as a repository for  
11 Federal Government archives.

12          (c) LOCATION.—(1) The Museum shall be located at  
13 an appropriate site selected by the Foundation on one or  
14 more of the parcels of real property described in para-  
15 graph (2), or portions thereof, to the extent that such par-  
16 cels, or portions thereof, are currently held by the Sec-  
17 retary of Defense or acquired by the Secretary under sub-  
18 section (d).

19          (2) The parcels referred to in paragraph (1) are par-  
20 cels of real property located in Arlington, Virginia, as fol-  
21 lows:

22           (A) A parcel comprising approximately 27 acres  
23 bounded by Columbia Pike to the south and east,  
24 the rear property line of the residential properties  
25 fronting Oak Street to the west, and the boundary

1 wall (including Southgate Road) of Arlington Na-  
2 tional Cemetery to the north.

3 (B) A parcel comprising approximately 26 acres  
4 bounded by Shirley Memorial Boulevard (Interstate  
5 Route 395) to the south, the western edge of the  
6 property of the Department of Transportation of the  
7 Commonwealth of Virginia to the west, Columbia  
8 Pike to the north, and the access road to Shirley  
9 Memorial Boulevard immediately east of Joyce  
10 Street to the east.

11 (3)(A) The boundaries of the parcels of real property  
12 selected as the site of the Museum under paragraph (1)  
13 shall be subject to the approval of the Secretary and of  
14 the County Board of Arlington County, Virginia.

15 (B) If any parcels of real property selected as the  
16 site of the Museum under paragraph (1) include real prop-  
17 erty owned by the Commonwealth of Virginia, the bound-  
18 aries of the parcels of real property selected as the site  
19 of the Museum shall also be subject to the approval of  
20 the Commonwealth of Virginia.

21 (d) ACQUISITION AND AVAILABILITY OF REAL PROP-  
22 erty.—(1) If a department or agency of the Federal Gov-  
23 ernment (other than the Department of Defense) has ju-  
24 risdiction over any parcel, or portion thereof, selected as  
25 the site of the Museum under subsection (c), the head of

1 such department or agency shall transfer jurisdiction over  
2 such parcel, or portion thereof, to the Secretary of Defense  
3 not later than three years after the date of the enactment  
4 of this Act.

5 (2) Not later than 60 days after the date of the sub-  
6 mittal to Congress of the assessment required by sub-  
7 section (e)(3), the Secretary shall take appropriate  
8 action—

9 (A) to acquire all right, title, and interest of Ar-  
10 lington County, Virginia, in and to any parcel se-  
11 lected as the site of the Museum under subsection  
12 (e), or portion thereof, that is owned by or otherwise  
13 under the jurisdiction of the County Board of Ar-  
14 lington County, Virginia; and

15 (B) to acquire all right, title, and interest of the  
16 Commonwealth of Virginia in and to any parcel so  
17 selected, or portion thereof, that is owned by or oth-  
18 erwise under the jurisdiction of the Commonwealth  
19 of Virginia.

20 (3) The Secretary may acquire an interest in real  
21 property under subparagraph (A) or (B) of paragraph (2)  
22 only with the consent of the County Board of Arlington  
23 County, Virginia, or the Commonwealth of Virginia, as the  
24 case may be.

1       (4) If the acquisition of real property under para-  
2 graph (2)(B) requires the relocation of any materiel, per-  
3 sonnel, or activities of the Commonwealth of Virginia, in-  
4 cluding the Department of Transportation of the Com-  
5 monwealth of Virginia, the Foundation may reimburse the  
6 Commonwealth of Virginia for the costs of such relocation.

7       (5) If the transfer or acquisition of real property  
8 under this subsection requires the relocation or modifica-  
9 tion of any major roadway, the relocation or modification  
10 of such roadway shall be carried out in accordance with  
11 a memorandum of understanding entered into by the  
12 Foundation, the Secretary, the Commonwealth of Vir-  
13 ginia, and the County Board of Arlington County, Vir-  
14 ginia. The memorandum of understanding shall allocate  
15 the costs of the relocation or modification of such roadway  
16 among the parties to the memorandum of understanding.

17       (6) Funds for any reimbursement by the Foundation  
18 under paragraph (4), or any cost of the Foundation under  
19 paragraph (5), shall be derived from funds received by the  
20 Foundation under chapter 1520 of title 36, United States  
21 Code, other than funds contributed to the Foundation  
22 under section 7(b) of this Act.

23       (7) The Secretary shall make available to the Foun-  
24 dation for purposes of the Museum any property held by,  
25 transferred to, or acquired by the Secretary under para-

1 graph (1) or (2) that is selected as the site of the Museum  
2 under subsection (c).

3 (e) PRELIMINARY ASSESSMENT OF MUSEUM.—(1)

4 Not later than 18 months after the date of the enactment  
5 of this Act, the Foundation shall submit to Congress and  
6 the Comptroller General a report setting forth—

7 (A) a preliminary design for the Museum;

8 (B) an assessment of the effects of the Museum  
9 contemplated in the design on the environment, fa-  
10 cilities, and roadways in the vicinity of the area cov-  
11 ered by the design;

12 (C) a recommendation for the governing struc-  
13 ture of the Museum, including an assessment wheth-  
14 er or not the Museum should be within the Smithso-  
15 nian Institution;

16 (D) an assessment whether or not it is likely  
17 that the Foundation will raise funds that are suffi-  
18 cient to defray the costs of the construction and op-  
19 eration of the Museum, including a description of  
20 any proposed fundraising activities of the Founda-  
21 tion and the anticipated levels of donations to the  
22 Foundation for each year from 2000 through 2032;  
23 and

24 (E) an assessment of the practicability and ad-  
25 visability of the proposed dates for the commence-

1       ment and completion of construction of the Museum  
2       set forth in subsection (f).

3       (2)(A) The preliminary design under paragraph  
4 (1)(A) shall include an architectural plan for the Museum  
5 (including any proposed furnishings, displays, parking,  
6 and landscaping), a schedule for construction of the Mu-  
7 seum, and an estimate of the costs of construction of the  
8 Museum.

9       (B) In preparing the preliminary design, the Founda-  
10 tion shall take into account the following:

11           (i) The use of at least 15 acres of the parcels  
12 described in subsection (c)(2) for purposes of the ex-  
13 pansion of Arlington National Cemetery, Virginia.

14           (ii) The use of at least two acres of such par-  
15 cels for purposes of the Air Force Memorial, but  
16 only if such parcels are selected as the location of  
17 the Air Force Memorial.

18           (iii) The use of at least two acres of such par-  
19 cels for purposes specified by the County Board of  
20 Arlington County, Virginia.

21       (3) Not later than 7 months after the date of the  
22 submittal of the report under paragraph (1), the Comp-  
23 troller General shall submit to Congress an assessment of  
24 the matters set forth in the report.

1 (f) CONSTRUCTION OF MUSEUM.—(1) The Secretary  
2 of Defense shall carry out the demolition and clearing of  
3 any structures located on the parcels described in sub-  
4 section (c) that are selected as the location of the Museum  
5 under that subsection not later than December 31, 2017.

6 (2) The Secretary shall carry out any environmental  
7 restoration or remediation required with respect to any  
8 parcels referred to in paragraph (1) that are under the  
9 jurisdiction of the Department of Defense as of the date  
10 of the enactment of this Act.

11 (3) The Foundation shall ensure commencement of  
12 the construction of the Museum under this section not  
13 later than March 1, 2018, and shall ensure completion of  
14 the construction of the Museum not later than March 1,  
15 2022.

16 (g) APPLICABILITY OF STATE AND LOCAL LAND-USE  
17 REQUIREMENTS.—(1) The construction and operation of  
18 the Museum shall be subject to the site planning, zoning,  
19 and other land-use requirements of Arlington County, Vir-  
20 ginia, and of the Commonwealth of Virginia.

21 (2) The Foundation shall enter into a memorandum  
22 of understanding with Arlington County, Virginia, and the  
23 Commonwealth of Virginia which specifies the manner in  
24 which the Foundation shall comply with the requirements

1 referred to in paragraph (1) in the construction and oper-  
2 ation of the Museum.

3 **SEC. 4. FUNDRAISING ACTIVITIES.**

4 (a) **IN GENERAL.**—The National Military Museum  
5 Foundation established under chapter 1520 of title 36,  
6 United States Code (as added by section 2(a) of this Act),  
7 shall be responsible for securing funds for its activities  
8 under such chapter 1520 and this Act.

9 (b) **AUTHORITY TO ACCEPT FUNDS FROM FEDERAL**  
10 **GOVERNMENT.**—The Foundation may accept funds from  
11 the Federal Government for purposes of the activities re-  
12 ferred to in subsection (a).

13 (c) **PREPARATIONS FOR ACTIVITIES.**—The Founda-  
14 tion may carry out preparations for fundraising activities  
15 for purposes of the activities referred to in subsection (a)  
16 commencing as of the date of its incorporation under such  
17 chapter 1520.

18 (d) **ACCEPTANCE OF DONATIONS.**—(1) The Founda-  
19 tion may accept unsolicited donations for purposes of the  
20 activities referred to in subsection (a) commencing as of  
21 the date referred to in subsection (c).

22 (2) The Foundation may not solicit donations for  
23 purposes of such activities until the date that is nine  
24 months after the date of the submittal to Congress of the  
25 report required by section 3(e)(1) of this Act.

1           (e) DEADLINE FOR RAISING PORTION OF CONSTRU-  
2 TION AMOUNT.—Not later than December 31, 2015, the  
3 Foundation shall secure an amount equal to not less than  
4 75 percent of the estimated cost of the construction of  
5 the Museum as of such date.

6 **SEC. 5. TRANSFER OR LOAN OF MILITARY ARTIFACTS.**

7           (a) AUTHORITY.—The head of any department or  
8 agency of the Federal Government may transfer, loan, or  
9 otherwise provide the National Military Museum Founda-  
10 tion established under chapter 1520 of title 36, United  
11 States Code (as added by section 2(a) of this Act), any  
12 military artifact, memorabilia, or other materiel that the  
13 head of the department or agency and the Foundation  
14 consider appropriate for display at the National Military  
15 Museum established under section 3 of this Act.

16           (b) DISPLAY.—The National Military Museum Foun-  
17 dation may display at the National Military Museum any  
18 artifact, memorabilia, or other materiel transferred,  
19 loaned, or provided to the Foundation under subsection  
20 (a). Such display shall be in accordance with any terms  
21 or conditions imposed by the head of the department or  
22 agency transferring, loaning, or providing the artifact,  
23 memorabilia, or materiel concerned.

1 **SEC. 6. SENSE OF CONGRESS REGARDING POTENTIAL ES-**  
2 **TABLISHMENT OF NATIONAL MILITARY MU-**  
3 **SEUM WITHIN SMITHSONIAN INSTITUTION.**

4 If the National Military Museum Foundation estab-  
5 lished under chapter 1520 of title 36, United States Code  
6 (as added by section 2(a) of this Act), recommends under  
7 section 3(e)(1)(C) of this Act that the National Military  
8 Museum be within the Smithsonian Institution, it is the  
9 sense of Congress that—

10 (1) the Museum be placed within the Smithso-  
11 nian Institution; and

12 (2) the board of directors of the Foundation be-  
13 come an advisory board for the Museum, with the  
14 Chairman of the County Board of Arlington County,  
15 Virginia, as an *ex officio* member of such advisory  
16 board.

17 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
19 hereby authorized to be appropriated for the Department  
20 of Defense for fiscal year 2000, \$48,000,000 for purposes  
21 of a contribution of funds to the National Military Mu-  
22 seum Foundation established under chapter 1520 of title  
23 36, United States Code (as added by section 2(a) of this  
24 Act).

25 (b) **AVAILABILITY OF FUNDS.**—(1) Subject to para-  
26 graphs (2) and (3), funds appropriated pursuant to the

1 authorization of appropriations in subsection (a) shall be  
2 available for a contribution to the Foundation for its ac-  
3 tivities under such chapter 1520 and under this Act.

4 (2) Of the funds made available to the Foundation  
5 under paragraph (1), \$4,000,000 shall be available only  
6 for purposes of the report required by section 3(e)(1) of  
7 this Act.

8 (3) Of the funds made available to the Foundation  
9 under paragraph (1), \$44,000,000 shall be available only  
10 for the design and construction of the National Military  
11 Museum by the Foundation, and shall be available for that  
12 purpose only after the date that is nine months after the  
13 date of the submittal to Congress of the report referred  
14 to in paragraph (2).

○