

108TH CONGRESS
2D SESSION

S. 1741

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2004

Referred to the Committee on Transportation and Infrastructure

AN ACT

To provide a site for the National Women’s History Museum
in the District of Columbia.

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 Women’s His-
5 tory Museum Act of 2003”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the National Women’s History Museum,
4 Inc., is a nonprofit, nonpartisan, educational institu-
5 tion incorporated in the District of Columbia;

6 (2) the National Women’s History Museum was
7 established—

8 (A) to research and present the historic
9 contributions that women have made to all as-
10 pects of human endeavor; and

11 (B) to explore and present in a fair and
12 balanced way the contributions that women
13 have made to the Nation in their various roles
14 in family and society;

15 (3) the National Women’s History Museum will
16 collect and disseminate information concerning
17 women, including through the establishment of a na-
18 tional reference center for the collection and preser-
19 vation of documents, publications, and research re-
20 lating to women;

21 (4) the National Women’s History Museum will
22 foster educational programs relating to the history
23 and contribution to society by women, including pro-
24 motion of imaginative educational approaches to en-
25 hance understanding and appreciation of historic
26 contributions by women;

1 (5) the National Women’s History Museum will
2 publicly display temporary and permanent exhibits
3 that illustrate, interpret, and demonstrate the con-
4 tributions of women;

5 (6) the National Women’s History Museum re-
6 quires a museum site near the National Mall to ac-
7 complish the objectives and fulfill the ongoing edu-
8 cational mission of the museum;

9 (7) the 3-story glass enclosed structure known
10 as the “Pavilion Annex” is a retail shopping mall
11 built next to the Old Post Office in 1992 by private
12 developers using no Federal funds on public land in
13 the Federal Triangle south of Pennsylvania Avenue,
14 N.W.;

15 (8) the Pavilion Annex came into the possession
16 of the General Services Administration following
17 bankruptcy and default by the private developer of
18 the Old Post Office Pavilion;

19 (9) the Pavilion Annex has been vacant for 10
20 years and is in a state of disrepair;

21 (10) the Pavilion Annex is located near an area
22 that has been identified as an ideal location for mu-
23 seums and memorials in the Memorials and Muse-
24 ums Master Plan developed by the National Capital
25 Planning Commission;

1 (11) the National Women’s History Museum
2 will provide a vibrant, cultural activity in a building
3 currently controlled by the General Services Admin-
4 istration but unused by any Federal agency or activ-
5 ity;

6 (12) the General Accounting Office has deter-
7 mined that vacant or underutilized properties
8 present significant potential risks to Federal agen-
9 cies, including—

10 (A) lost dollars because of the difficulty of
11 maintaining the properties; and

12 (B) lost opportunities because the prop-
13 erties could be put to more cost-beneficial uses,
14 exchanged for other needed property, or sold to
15 generate revenue for the Government;

16 (13) the National Women’s History Museum
17 will use Government property for which there is no
18 Government use as of the date of enactment of this
19 Act, in order to—

20 (A) promote utilization, economy, and effi-
21 ciency of Government-owned assets; and

22 (B) create an income producing activity;

23 (14) the National Women’s History Museum
24 will attract an estimated 1,500,000 visitors annually
25 to the District of Columbia; and

1 (15) the National Women’s History Museum
2 will promote economic activity in the District of Co-
3 lumbia by—

4 (A) creating jobs;

5 (B) increasing visitor spending on hotels,
6 meals, and transportation; and

7 (C) generating tax revenue for the District
8 of Columbia.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) **ADMINISTRATOR.**—The term “Adminis-
12 trator” means the Administrator of General Serv-
13 ices.

14 (2) **MUSEUM SPONSOR.**—The term “Museum
15 Sponsor” means the National Women’s History Mu-
16 seum, Inc., a nonprofit organization incorporated in
17 the District of Columbia.

18 (3) **PAVILION ANNEX.**—The term “Pavilion
19 Annex” means the building (and immediate sur-
20 roundings, including any land unoccupied as of the
21 date of enactment of this Act) in Washington, Dis-
22 trict of Columbia that is—

23 (A) known as the “Pavilion Annex”;

24 (B) adjacent to the Old Post Office Build-
25 ing;

1 (C) located on Pennsylvania Avenue, N.W.,
2 to the east of 11th Street N.W.; and

3 (D) located on land bounded on 3 sides by
4 the Internal Revenue Service buildings.

5 **SEC. 4. OCCUPANCY AGREEMENT.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, the Administrator shall enter into an occu-
8 pancy agreement to make the Pavilion Annex available to
9 the Museum Sponsor for use as a National Women’s His-
10 tory Museum in accordance with this section.

11 (b) APPRAISAL.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of enactment of this Act, a fair market
14 value for the purpose of determining rent shall be
15 determined by not more than 3 appraisers, operating
16 under a common set of instructions, of whom—

17 (A) 1 shall be retained by the Adminis-
18 trator;

19 (B) 1 shall be retained by the Museum
20 Sponsor; and

21 (C) 1 shall be selected by the first 2 ap-
22 praisers only if—

23 (i) the first 2 appraisals are irrecon-
24 cilable; and

1 (ii) the difference in value between the
 2 first 2 appraisals is greater than 10 per-
 3 cent.

4 (2) DIFFERENCE OF NOT MORE THAN 10 PER-
 5 CENT.—If the 2 appraisals differ by not more than
 6 10 percent, the fair market value shall be the aver-
 7 age of the 2 appraisals.

8 (3) IRRECONCILABLE APPRAISALS.—If a third
 9 appraiser is selected—

10 (A) the fee of the third appraiser shall be
 11 paid in equal shares by the Administrator and
 12 the Museum Sponsor; and

13 (B) the fair market value determined by
 14 the third appraiser shall bind both parties.

15 (c) TERM OF OCCUPANCY AGREEMENT.—

16 (1) IN GENERAL.—The term of the occupancy
 17 agreement shall be at least 99 years, or any lesser
 18 term agreed to by the Museum Sponsor.

19 (2) FIRST PAYMENT.—The first payment shall
 20 be due on the date that is 5 years after the date of
 21 execution of the occupancy agreement.

22 (d) PRIVATE FUNDS.—The terms and conditions of
 23 the occupancy agreement shall facilitate raising of private
 24 funds for the modification, development, maintenance, se-
 25 curity, information, janitorial, and other services that are

1 necessary to assure the preservation and operation of the
2 museum.

3 (e) SHARED FACILITIES.—The occupancy agreement
4 may include reasonable terms and conditions pertaining
5 to shared facilities to permit continued operations and en-
6 able development of adjacent buildings.

7 (f) RENOVATION AND MODIFICATION.—

8 (1) IN GENERAL.—The renovation and modi-
9 fication of the Pavilion Annex—

10 (A) shall be carried out by the Museum
11 Sponsor, in consultation with the Adminis-
12 trator; and

13 (B) shall—

14 (i) be commenced as soon as prac-
15 ticable but not later than 5 years after the
16 date of execution of the occupancy agree-
17 ment;

18 (ii) sever the walkway to the Old Post
19 Office Building; and

20 (iii) enhance and improve the Pavilion
21 Annex consistent with the needs of the Na-
22 tional Women’s History Museum and the
23 adjacent structures.

24 (2) EXPENSE CREDIT.—Any expenses incurred
25 by the Museum Sponsor under this subsection shall

1 be credited against the payment under subsection
2 (c)(2).

3 (g) REPORT.—If the Administrator is unable to fully
4 execute an occupancy agreement within 120 days of the
5 date of enactment of this Act, not later than 150 days
6 after the date of enactment of this Act, the Administrator
7 shall submit to the Committee on Governmental Affairs
8 in the Senate and the Committee on Government Reform
9 in the House of Representatives a report summarizing the
10 issues that remain unresolved.

11 **SEC. 5. EFFECT ON OTHER LAW.**

12 Nothing in this Act limits the authority of the Na-
13 tional Capital Planning Commission.

Passed the Senate November 21, 2003.

Attest:

EMILY J. REYNOLDS,

Secretary.