

109TH CONGRESS
1ST SESSION

S. 501

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2005

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 2005”.

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) in March 1999, the President’s Commission
16 on the celebrating of Women in American History
17 concluded that “efforts to implement an appropriate
18 celebration of women’s history in the next millen-
19 nium should include the designation of a focal point
20 for women’s history in our nation’s capital . . .” cit-
21 ing the efforts of the National Women’s History Mu-
22 seum to implement this goal;

23 (4) the National Women’s History Museum will
24 collect and disseminate information concerning
25 women, including through the establishment of a na-
26 tional reference center for the collection and preser-

1 vation of documents, publications, and research re-
2 lating to women;

3 (5) the National Women’s History Museum will
4 foster educational programs relating to the history
5 and contribution to society by women, including pro-
6 motion of imaginative educational approaches to en-
7 hance understanding and appreciation of historic
8 contributions by women;

9 (6) the National Women’s History Museum will
10 publicly display temporary and permanent exhibits
11 that illustrate, interpret, and demonstrate the con-
12 tributions of women;

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

17 (8) the 3-story glass enclosed structure known
18 as the “Pavilion Annex” is a retail shopping mall
19 built next to the Old Post Office in 1992 by private
20 developers using no Federal funds on public land in
21 the Federal Triangle south of Pennsylvania Avenue,
22 NW.;

23 (9) the Pavilion Annex came into the possession
24 of the General Services Administration following

1 bankruptcy and default by the private developer of
2 the Old Post Office Pavilion;

3 (10) the Pavilion Annex has been vacant for
4 over 10 years and is in a state of disrepair;

5 (11) the Pavilion Annex is located near an area
6 that has been identified as an ideal location for mu-
7 seums and memorials in the Memorials and Muse-
8 ums Master Plan developed by the National Capital
9 Planning Commission;

10 (12) the National Women's History Museum
11 will provide a vibrant, cultural activity in a building
12 currently controlled by the General Services Admin-
13 istration but unused by any Federal agency or activ-
14 ity;

15 (13) the Government Accountability Office has
16 determined that vacant or underutilized properties
17 present significant potential risks to Federal agen-
18 cies, including—

19 (A) lost dollars because of the difficulty of
20 maintaining the properties; and

21 (B) lost opportunities because the prop-
22 erties could be put to more cost-beneficial uses,
23 exchanged for other needed property, or sold to
24 generate revenue for the Government;

1 (14) the National Women’s History Museum
 2 will use Government property for which there is no
 3 Government use as of the date of enactment of this
 4 Act, in order to—

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

7 (B) create an income producing activity;

8 (15) the National Women’s History Museum
 9 will attract an estimated 1,500,000 visitors annually
 10 to the District of Columbia; and

11 (16) the National Women’s History Museum
 12 will promote economic activity in the District of Co-
 13 lumbia by—

14 (A) creating jobs;

15 (B) increasing visitor spending on hotels,
 16 meals, and transportation; and

17 (C) generating tax revenue for the District
 18 of Columbia.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) ADMINISTRATOR.—The term “Adminis-
 22 trator” means the Administrator of General Serv-
 23 ices.

24 (2) MUSEUM SPONSOR.—The term “Museum
 25 Sponsor” means the National Women’s History Mu-

1 seum, Inc., a nonprofit organization incorporated in
2 1996 in the District of Columbia.

3 (3) PAVILION ANNEX.—The term “Pavilion
4 Annex” means the building (and immediate sur-
5 roundings, including any land unoccupied as of the
6 date of enactment of this Act) in Washington, Dis-
7 trict of Columbia that is—

8 (A) known as the “Pavilion Annex”;

9 (B) adjacent to the Old Post Office Build-
10 ing;

11 (C) located on Pennsylvania Avenue, NW.,
12 to the east of 11th Street NW.; and

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

15 **SEC. 4. OCCUPANCY AGREEMENT.**

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

21 (b) PAYMENTS.—The Administrator shall enter into
22 negotiations with the Museum Sponsor concerning pay-
23 ment to the Federal Government based on the cost basis
24 of the Pavilion Annex or prior appraisals or expert opin-

1 ions rendered to the General Services Administration re-
 2 lating to valuation of the structure.

3 (c) APPRAISAL.—

4 (1) IN GENERAL.—If the Administrator and the
 5 Museum Sponsor are unable to reach agreement on
 6 fair market value for the purpose of determining
 7 rent within 90 days after the date of enactment of
 8 this Act, fair market value for the purpose of deter-
 9 mining rent shall be determined by not more than
 10 3 appraisers, operating under a common set of in-
 11 structions, of whom—

12 (A) 1 shall be retained by the Adminis-
 13 trator;

14 (B) 1 shall be retained by the Museum
 15 Sponsor; and

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

18 (i) the first 2 appraisals are irrecon-
 19 cilable; and

20 (ii) the difference in value between the
 21 first 2 appraisals is greater than 10 per-
 22 cent.

23 (2) DIFFERENCE OF NOT MORE THAN 10 PER-
 24 CENT.—If the 2 appraisals differ by not more than

1 10 percent, the fair market value shall be the aver-
2 age of the 2 appraisals.

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

5 (A) the fee of the third appraiser shall be
6 paid in equal shares by the Administrator and
7 the Museum Sponsor; and

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

10 (d) TERM OF OCCUPANCY AGREEMENT.—

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

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

17 (e) PRIVATE FUNDS.—The terms and conditions of
18 the occupancy agreement shall facilitate raising of private
19 funds for the modification, development, maintenance, se-
20 curity, information, janitorial, and other services that are
21 necessary to assure the preservation and operation of the
22 museum.

23 (f) SHARED FACILITIES.—The occupancy agreement
24 may include reasonable terms and conditions pertaining

1 to shared facilities to permit continued operations and en-
 2 able development of adjacent buildings.

3 (g) RENOVATION AND MODIFICATION.—

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

6 (A) shall be carried out by the Museum
 7 Sponsor, in consultation with the Adminis-
 8 trator; and

9 (B) shall—

10 (i) be commenced as soon as prac-
 11 ticable but not later than 5 years after the
 12 date of execution of the occupancy agree-
 13 ment;

14 (ii) sever the walkway to the Old Post
 15 Office Building; and

16 (iii) enhance and improve the Pavilion
 17 Annex consistent with the needs of the Na-
 18 tional Women's History Museum and the
 19 adjacent structures.

20 (2) EXPENSE CREDIT.—Any expenses incurred
 21 by the Museum Sponsor under this subsection shall
 22 be credited against the payment under subsection
 23 (d)(2).

24 (h) REPORT.—

1 (1) IN GENERAL.—If the Administrator is un-
2 able to fully execute an occupancy agreement within
3 180 days of the date of enactment of this Act, not
4 later than 240 days after the date of enactment of
5 this Act, the Administrator shall submit to the Com-
6 mittee on Homeland Security and Governmental Af-
7 fairs in the Senate and the Committees on Trans-
8 portation and Infrastructure and Government Re-
9 form in the House of Representatives a report.

10 (2) CONTENTS.—The report shall contain—

11 (A) a summary of the issues that remain
12 unresolved and an analysis of the position of
13 the General Services Administration;

14 (B) an itemization, including date, where
15 appropriate, and costs of actions taken by the
16 General Services Administration to maintain
17 and secure the Pavilion Annex to prevent fur-
18 ther deterioration; and

19 (C) a plan for future use and development
20 of the Pavilion Annex, including plans for ap-
21 propriate security improvements.

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

23 Nothing in this Act shall limit the authority of the
24 National Capital Planning Commission and the National
25 Capital Planning Commission shall retain authority over

1 development in the Federal Triangle development area as
2 defined in subchapter II of chapter 67 of title 40, United
3 States Code (40 U.S.C. 6711 et seq.).

4 **SEC. 6. FEDERAL PARTICIPATION.**

5 The United States shall pay no expense incurred in
6 the establishment, construction, or operation of the Na-
7 tional Women's History Museum, which shall be operated
8 and maintained by the Museum Sponsor after completion
9 of construction.

Passed the Senate July 29, 2005.

Attest:

EMILY J. REYNOLDS,

Secretary.