

The words “from time to time cause to be”, “transmitted to him”, and “for the purpose of being” are omitted as surplusage. The words “Marine Corps” are inserted for clarity, since the provision is interpreted as applicable thereto.

### Editorial Notes

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7216 of this title as this section.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

### § 8617. National Museum of the United States Navy

(a) **AUTHORITY TO SUPPORT DEVELOPMENT AND OPERATION OF MUSEUM.**—(1) The Secretary of the Navy may select and enter into a contract, cooperative agreement, or other agreement with one or more eligible nonprofit organizations to support the development, design, construction, renovation, or operation of a multipurpose museum to serve as the National Museum of the United States Navy.

(2) The Secretary may—

(A) authorize a partner organization to contract for each phase of development, design, construction, renovation, or operation of the museum, or all such phases; or

(B) authorize acceptance of funds from a partner organization for each or all such phases.

(b) **PURPOSES OF MUSEUM.**—(1) The museum shall be used for the identification, curation, storage, and public viewing of artifacts and artwork of significance to the Navy, as agreed to by the Secretary of the Navy.

(2) The museum also may be used to support such education, training, research, and associated activities as the Secretary considers compatible with and in support of the museum and the mission of the Naval History and Heritage Command.

(c) **ACCEPTANCE UPON COMPLETION.**—Upon the satisfactory completion, as determined by the Secretary of the Navy, of any phase of the museum, and upon the satisfaction of any financial obligations incident thereto, the Secretary shall accept such phase of the museum from the partner organization, and all right, title, and interest in and to such phase of the museum shall vest in the United States. Upon becoming the property of the United States, the Secretary shall assume administrative jurisdiction over such phase of the museum.

(d) **LEASE AUTHORITY.**—(1) The Secretary of the Navy may lease portions of the museum to an eligible nonprofit organization for use in generating revenue for the support of activities of the museum and for such administrative purposes as may be necessary for support of the museum. Such a lease may not include any part of the collection of the museum.

(2) Any rent received by the Secretary under a lease under paragraph (1), including rent-in-

kind, shall be used solely to cover or defray the costs of development, maintenance, or operation of the museum.

(e) **AUTHORITY TO ACCEPT GIFTS.**—(1) The Secretary of the Navy may accept, hold, administer, and spend any gift, devise, or bequest of real property, personal property, or money made on the condition that the gift, devise, or bequest be used for the benefit, or in connection with, the establishment, operation, or maintenance, of the museum. Section 2601 (other than subsections (b), (c), and (e)) of this title shall apply to gifts accepted under this subsection.

(2) The Secretary may display at the museum recognition for an individual or organization that contributes money to a partner organization, or an individual or organization that contributes a gift directly to the Navy, for the benefit of the museum, whether or not the contribution is subject to the condition that the recognition be provided. The Secretary shall prescribe regulations governing the circumstances under which contributor recognition may be provided, appropriate forms of recognition, and suitable display standards.

(3) The Secretary may authorize the sale of donated property received under paragraph (1). A sale under this paragraph need not be conducted in accordance with disposal requirements that would otherwise apply, so long as the sale is conducted at arms-length and includes an auditable transaction record.

(4) Any money received under paragraph (1) and any proceeds from the sale of property under paragraph (3) shall be deposited into a fund established in the Treasury to support the museum.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Navy may require such additional terms and conditions in connection with a contract, cooperative agreement, or other agreement under subsection (a) or a lease under subsection (d) as the Secretary considers appropriate to protect the interests of the United States.

(g) **USE OF NAVY INDICATORS.**—(1) In a contract, cooperative agreement, or other agreement under subsection (a) or a lease under subsection (d), the Secretary of the Navy may authorize, consistent with section 2260 (other than subsection (d)) of this title, a partner organization to enter into licensing, marketing, and sponsorship agreements relating to Navy indicators, including the manufacture and sale of merchandise for sale by the museum, subject to the approval of the Department of the Navy.

(2) No such licensing, marketing, or sponsorship agreement may be entered into if it would reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or if the Secretary determines that the use of the Navy indicator would compromise the integrity or appearance of integrity of any program of the Department of the Navy.

(h) **DEFINITIONS.**—In this section:

(1) The term “eligible nonprofit organization” means an entity that—

(A) qualifies as an exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986; and

(B) has as its primary purpose the preservation and promotion of the history and heritage of the Navy.

(2) The term “museum” means the National Museum of the United States Navy, including its facilities and grounds.

(3) The term “Navy indicator” includes trademarks and service marks, names, identities, abbreviations, official insignia, seals, emblems, and acronyms of the Navy and Marine Corps, including underlying units, and specifically includes the term “National Museum of the United States Navy”.

(4) The term “partner organization” means an eligible nonprofit organization with whom the Secretary of the Navy enters into a contract, cooperative agreement, or other agreement under subsection (a) or a lease under subsection (d).

(Added Pub. L. 117-81, div. B, title XXVIII, §2821, Dec. 27, 2021, 135 Stat. 2195.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 501(c)(3) of the Internal Revenue Code of 1986, referred to in subsec. (h)(1)(A), is classified to section 501(c)(3) of Title 26, Internal Revenue Code.

#### Statutory Notes and Related Subsidiaries

##### LEASE OR LICENSE OF UNITED STATES NAVY MUSEUM FACILITIES

Pub. L. 109-163, div. B, title XXVIII, §2852, Jan. 6, 2006, 119 Stat. 3530, as amended by Pub. L. 117-81, div. B, title XXVIII, §2822, Dec. 27, 2021, 135 Stat. 2197, provided that:

“(a) LEASES AND LICENSES AUTHORIZED.—The Secretary of the Navy may lease or license any portion of the facilities of a United States Navy museum to a foundation established to support that museum for the purpose of permitting the foundation to carry out the following activities:

“(1) Generation of revenue for that United States Navy museum through the rental of facilities to the public, commercial and non-profit entities, State and local governments, and other Federal agencies.

“(2) Performance of administrative activities in support of that United States Navy museum.

“(b) LIMITATION.—Activities carried out at a facility subject to a lease or license under subsection (a) must be consistent with the operations of the United States Navy museum of which the facility is a part.

“(c) CONSIDERATION.—The amount of consideration paid in a year by a foundation described in subsection (a) to the United States for the lease or license of facilities under subsection (a) may not exceed the actual cost, as determined by the Secretary, of the annual operation and maintenance of the facilities.

“(d) DEPOSIT AND USE OF PROCEEDS.—Consideration paid under subsection (c) shall be deposited into the appropriations account available for the operation and maintenance of the applicable United States Navy museum. The Secretary may use the amounts so deposited to cover costs associated with the operation and maintenance of that museum and its exhibits.

“(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a lease or license under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

“(f) UNITED STATES NAVY MUSEUM.—In this section, the term ‘United States Navy museum’ means a museum under the jurisdiction of the Secretary of Defense and operated through the Naval History and Heritage Command.”

#### § 8618. Marine Corps Heritage Center and National Museum of the Marine Corps at Marine Corps Base, Quantico, Virginia

(a) JOINT VENTURE FOR DEVELOPMENT AND CONTINUED MAINTENANCE AND OPERATION.—The Secretary of the Navy may enter into a joint venture with the Marine Corps Heritage Foundation (in this section referred to as the “Foundation”), a not-for-profit entity, for the design, construction, and maintenance and operation of a multipurpose facility to be used for historical displays for public viewing, curation, and storage of artifacts, research facilities, classrooms, offices, and associated activities consistent with the mission of the Marine Corps University. The facility shall be known as the Marine Corps Heritage Center and the National Museum of the Marine Corps.

(b) DESIGN AND CONSTRUCTION.—For each phase of development of the facility described in subsection (a), the Secretary may—

(1) permit the Foundation to contract for the design, construction, or both of such phase of development; or

(2) accept funds from the Foundation for the design, construction, or both of such phase of development.

(c) ACCEPTANCE AUTHORITY.—Upon completion of construction of any phase of development of the facility described in subsection (a) by the Foundation to the satisfaction of the Secretary, and the satisfaction of any financial obligations incident thereto by the Foundation, the facility shall become the real property of the Department of the Navy with all right, title, and interest in and to facility being in the United States.

(d) MAINTENANCE, OPERATION, AND SUPPORT.—(1) The Secretary may, for the purpose of maintenance and operation of the Marine Corps Heritage Center and the National Museum of the Marine Corps—

(A) enter into contracts or cooperative agreements, on a sole-source basis, with the Foundation for the procurement of property or services for the direct benefit or use of the Marine Corps Heritage Center and the National Museum of the Marine Corps; and

(B) notwithstanding the requirements of subsection (h) of section 2667 of this title and under such terms and conditions as the Secretary considers appropriate for the joint venture authorized by subsection (a), lease in accordance with such section 2667 portions of the facility developed under subsection (a) to the Foundation for use in generating revenue for activities of the facility and for such administrative purposes as may be necessary for support of the facility.

(2) In making a determination of fair market value under section 2667(b)(4) of this title for payment of consideration pursuant to a lease described in paragraph (1)(B), the Secretary may consider the entirety of the educational efforts of the Foundation, support to the Marine Corps Heritage Center history division by the Foundation, or the funding of museum programs and exhibits by the Foundation, or other support related to the Marine Corps Heritage Center and the National Museum of the Marine Corps, in addition to the types of in-kind consideration provided under section 2667(c) of this title.