

Calendar No. 168

109TH CONGRESS
1ST SESSION

S. 501

[Report No. 109-104]

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

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2005

Ms. COLLINS (for herself, Ms. LANDRIEU, Mrs. DOLE, Ms. MIKULSKI, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Ms. CANTWELL, Ms. MURKOWSKI, Mrs. CLINTON, Mrs. FEINSTEIN, Mrs. LINCOLN, Mrs. MURRAY, Ms. STABENOW, Mr. VOINOVICH, Mr. AKAKA, Mr. BENNETT, Mr. DURBIN, Mr. LAUTENBERG, Mr. SARBANES, Mr. PRYOR, Mr. CHAFEE, Mr. SPECTER, and Mr. CORZINE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JULY 18, 2005

Reported by Ms. COLLINS, without amendment

A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Women’s His-
3 tory Museum Act of 2005”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

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

9 (2) the National Women’s History Museum was
10 established—

11 (A) to research and present the historic
12 contributions that women have made to all as-
13 pects of human endeavor; and

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

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

1 (4) the National Women’s History Museum will
2 collect and disseminate information concerning
3 women, including through the establishment of a na-
4 tional reference center for the collection and preser-
5 vation of documents, publications, and research re-
6 lating to women;

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

13 (6) the National Women’s History Museum will
14 publicly display temporary and permanent exhibits
15 that illustrate, interpret, and demonstrate the con-
16 tributions of women;

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

21 (8) the 3-story glass enclosed structure known
22 as the “Pavilion Annex” is a retail shopping mall
23 built next to the Old Post Office in 1992 by private
24 developers using no Federal funds on public land in

1 the Federal Triangle south of Pennsylvania Avenue,
2 NW.;

3 (9) the Pavilion Annex came into the possession
4 of the General Services Administration following
5 bankruptcy and default by the private developer of
6 the Old Post Office Pavilion;

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

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

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

19 (13) the Government Accountability Office has
20 determined that vacant or underutilized properties
21 present significant potential risks to Federal agen-
22 cies, including—

23 (A) lost dollars because of the difficulty of
24 maintaining the properties; and

1 (B) lost opportunities because the prop-
2 erties could be put to more cost-beneficial uses,
3 exchanged for other needed property, or sold to
4 generate revenue for the Government;

5 (14) the National Women’s History Museum
6 will use Government property for which there is no
7 Government use as of the date of enactment of this
8 Act, in order to—

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

11 (B) create an income producing activity;

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

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

18 (A) creating jobs;

19 (B) increasing visitor spending on hotels,
20 meals, and transportation; and

21 (C) generating tax revenue for the District
22 of Columbia.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

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

4 (2) MUSEUM SPONSOR.—The term “Museum
5 Sponsor” means the National Women’s History Mu-
6 seum, Inc., a nonprofit organization incorporated in
7 1996 in the District of Columbia.

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

13 (A) known as the “Pavilion Annex”;

14 (B) adjacent to the Old Post Office Build-
15 ing;

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

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

20 **SEC. 4. OCCUPANCY AGREEMENT.**

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

1 (b) PAYMENTS.—The Administrator shall enter into
2 negotiations with the Museum Sponsor concerning pay-
3 ment to the Federal Government based on the cost basis
4 of the Pavilion Annex or prior appraisals or expert opin-
5 ions rendered to the General Services Administration re-
6 lating to valuation of the structure.

7 (c) APPRAISAL.—

8 (1) IN GENERAL.—If the Administrator and the
9 Museum Sponsor are unable to reach agreement on
10 fair market value for the purpose of determining
11 rent within 90 days after the date of enactment of
12 this Act, fair market value for the purpose of deter-
13 mining rent shall be determined by not more than
14 3 appraisers, operating under a common set of in-
15 structions, of whom—

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

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

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

22 (i) the first 2 appraisals are irrecon-
23 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 (d) 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 (e) 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 (f) 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 (g) 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 (d)(2).

3 (h) REPORT.—

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

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

14 (A) a summary of the issues that remain
15 unresolved and an analysis of the position of
16 the General Services Administration;

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

22 (C) a plan for future use and development
23 of the Pavilion Annex, including plans for ap-
24 propriate security improvements.

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

2 Nothing in this Act shall limit the authority of the
3 National Capital Planning Commission and the National
4 Capital Planning Commission shall retain authority over
5 development in the Federal Triangle development area as
6 defined in subchapter II of chapter 67 of title 40, United
7 States Code (40 U.S.C. 6711 et seq.).

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