

Calendar No. 630

113TH CONGRESS
2^D SESSION

S. 398

[Report No. 113–290]

To establish the Commission to Study the Potential Creation of a National Women’s History Museum, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2013

Ms. COLLINS (for herself, Ms. MIKULSKI, Ms. MURKOWSKI, Ms. KLOBUCHAR, Ms. AYOTTE, Ms. STABENOW, Mrs. SHAHEEN, Mrs. MURRAY, Ms. LANDRIEU, Mrs. BOXER, Mrs. FEINSTEIN, Ms. CANTWELL, Ms. WARREN, Mrs. McCASKILL, Mrs. HAGAN, Ms. HIRONO, Mr. BENNET, Mr. SANDERS, Mrs. GILLIBRAND, Mr. WARNER, Mr. BOOKER, Ms. BALDWIN, Ms. HEITKAMP, Mrs. FISCHER, Mr. CARDIN, Mr. SCHATZ, Mr. KAINE, Mr. MARKEY, Mr. WYDEN, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

DECEMBER 10, 2014

Reported by Ms. LANDRIEU, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish the Commission to Study the Potential Creation of a National Women’s History 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Women’s His-
3 tory Museum Commission Act of 2013”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **COMMISSION.**—The term “Commission”
7 means the Commission to Study the Potential Cre-
8 ation of a National Women’s History Museum estab-
9 lished by section 3(a).

10 (2) **MUSEUM.**—The term “Museum” means the
11 National Women’s History Museum.

12 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

13 (a) **IN GENERAL.**—There is established the Commis-
14 sion to Study the Potential Creation of a National Wom-
15 en’s History Museum.

16 (b) **MEMBERSHIP.**—The Commission shall be com-
17 posed of 8 members, of whom—

18 (1) 2 members shall be appointed by the major-
19 ity leader of the Senate;

20 (2) 2 members shall be appointed by the Speak-
21 er of the House of Representatives;

22 (3) 2 members shall be appointed by the minor-
23 ity leader of the Senate; and

24 (4) 2 members shall be appointed by the minor-
25 ity leader of the House of Representatives.

1 (c) QUALIFICATIONS.—Members of the Commission
2 shall be appointed to the Commission from among individ-
3 uals, or representatives of institutions or entities, who pos-
4 sess—

5 (1)(A) a demonstrated commitment to the re-
6 search, study, or promotion of women’s history, art,
7 political or economic status, or culture; and

8 (B)(i) expertise in museum administration;

9 (ii) expertise in fundraising for nonprofit or cul-
10 tural institutions;

11 (iii) experience in the study and teaching of
12 women’s history at the post-secondary level;

13 (iv) experience in studying the issue of the rep-
14 resentation of women in art, life, history, and cul-
15 ture at the Smithsonian Institution; or

16 (v) extensive experience in public or elected
17 service;

18 (2) experience in the administration of, or the
19 planning for, the establishment of, museums; or

20 (3) experience in the planning, design, or con-
21 struction of museum facilities.

22 (d) PROHIBITION.—No employee of the Federal Gov-
23 ernment may serve as a member of the Commission.

24 (e) DEADLINE FOR INITIAL APPOINTMENT.—The
25 initial members of the Commission shall be appointed not

1 later than the date that is 90 days after the date of enact-
2 ment of this Act.

3 (f) VACANCIES.—A vacancy in the Commission—

4 (1) shall not affect the powers of the Commis-
5 sion; and

6 (2) shall be filled in the same manner as the
7 original appointment was made.

8 (g) CHAIRPERSON.—The Commission shall, by ma-
9 jority vote of all of the members, select 1 member of the
10 Commission to serve as the Chairperson of the Commis-
11 sion.

12 **SEC. 4. DUTIES OF THE COMMISSION.**

13 (a) REPORTS.—

14 (1) PLAN OF ACTION.—The Commission shall
15 submit to the President and Congress a report con-
16 taining the recommendations of the Commission
17 with respect to a plan of action for the establishment
18 and maintenance of a National Women's History
19 Museum in Washington, DC.

20 (2) REPORT ON ISSUES.—The Commission shall
21 submit to the President and Congress a report that
22 addresses the following issues:

23 (A) The availability and cost of collections
24 to be acquired and housed in the Museum.

1 (B) The impact of the Museum on regional
2 women history-related museums.

3 (C) Potential locations for the Museum in
4 Washington, DC, and its environs (including
5 the location located on public land bounded by
6 Independence Avenue SW., 14th Street SW.,
7 15th Street SW., and Jefferson Drive SW., in
8 Washington, DC, that is established subject to
9 chapter 89 of title 40, United States Code
10 (commonly known as the “Commemorative
11 Works Act”).

12 (D) Whether the Museum should be part
13 of the Smithsonian Institution.

14 (E) The governance and organizational
15 structure from which the Museum should oper-
16 ate.

17 (F) Best practices for engaging women in
18 the development and design of the Museum.

19 (G) The cost of constructing, operating,
20 and maintaining the Museum.

21 (3) DEADLINE.—The reports required under
22 paragraphs (1) and (2) shall be submitted not later
23 than the date that is 18 months after the date of
24 the first meeting of the Commission.

25 (b) FUNDRAISING PLAN.—

1 (1) IN GENERAL.—The Commission shall de-
2 velop a fundraising plan to support the establish-
3 ment and maintenance of the Museum through con-
4 tributions from the public.

5 (2) CONSIDERATIONS.—In developing the fund-
6 raising plan under paragraph (1), the Commission
7 shall consider—

8 (A) the role of the National Women’s His-
9 tory Museum (a nonprofit, educational organi-
10 zation described in section 501(c)(3) of the In-
11 ternal Revenue Code of 1986 that was incor-
12 porated in 1996 in Washington, DC, and dedi-
13 cated for the purpose of establishing a women’s
14 history museum) in raising funds for the con-
15 struction of the Museum; and

16 (B) issues relating to funding the oper-
17 ations and maintenance of the Museum in per-
18 petuity.

19 (c) LEGISLATION TO CARRY OUT PLAN OF AC-
20 TION.—Based on the recommendations contained in the
21 report submitted under paragraphs (1) and (2) of sub-
22 section (a), the Commission shall submit for consideration
23 to the Committees on Transportation and Infrastructure,
24 House Administration, Natural Resources, and Appropria-
25 tions of the House of Representatives and the Committees

1 on Rules and Administration, Energy and Natural Re-
2 sources, Environment and Public Works, and Appropria-
3 tions of the Senate recommendations for a legislative plan
4 of action to establish and construct the Museum.

5 (d) NATIONAL CONFERENCE.—Not later than 18
6 months after the date on which the initial members of the
7 Commission are appointed under section 3, the Commis-
8 sion may, in carrying out the duties of the Commission
9 under this section, convene a national conference relating
10 to the Museum, to be comprised of individuals committed
11 to the advancement of the life, art, history, and culture
12 of women.

13 **SEC. 5. DIRECTOR AND STAFF OF COMMISSION.**

14 (a) DIRECTOR AND STAFF.—

15 (1) IN GENERAL.—The Commission may em-
16 ploy and compensate an executive director and any
17 other additional personnel that are necessary to en-
18 able the Commission to perform the duties of the
19 Commission.

20 (2) RATES OF PAY.—Rates of pay for persons
21 employed under paragraph (1) shall be consistent
22 with the rates of pay allowed for employees of a tem-
23 porary organization under section 3161 of title 5,
24 United States Code.

1 (b) NOT FEDERAL EMPLOYMENT.—Any individual
2 employed under this Act shall not be considered a Federal
3 employee for the purpose of any law governing Federal
4 employment.

5 (c) TECHNICAL ASSISTANCE.—

6 (1) IN GENERAL.—Subject to paragraph (2), on
7 request of the Commission, the head of a Federal
8 agency may provide technical assistance to the Com-
9 mission.

10 (2) PROHIBITION.—No Federal employees may
11 be detailed to the Commission.

12 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

13 (a) COMPENSATION.—

14 (1) IN GENERAL.—A member of the Commis-
15 sion—

16 (A) shall not be considered to be a Federal
17 employee for any purpose by reason of service
18 on the Commission; and

19 (B) shall serve without pay.

20 (2) TRAVEL EXPENSES.—A member of the
21 Commission shall be allowed a per diem allowance
22 for travel expenses, at rates consistent with the rates
23 authorized under subchapter I of chapter 57 of title
24 5, United States Code.

1 (b) GIFTS, BEQUESTS, DEVISES.—The Commission
2 may solicit, accept, use, and dispose of gifts, bequests, or
3 devises of money, services, or real or personal property for
4 the purpose of aiding or facilitating the work of the Com-
5 mission.

6 (c) FEDERAL ADVISORY COMMITTEE ACT.—The
7 Commission shall not be subject to the Federal Advisory
8 Committee Act (5 U.S.C. App.).

9 **SEC. 7. TERMINATION.**

10 The Commission shall terminate on the date that is
11 30 days after the date on which the final versions of the
12 reports required under section 4(a) are submitted.

13 **SEC. 8. FUNDING.**

14 (a) IN GENERAL.—The Commission shall be solely
15 responsible for acceptance of contributions for, and pay-
16 ment of the expenses of, the Commission.

17 (b) PROHIBITION.—No Federal funds may be obli-
18 gated to carry out this Act.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Commission to Study*
21 *the Potential Creation of a National Women’s History Mu-*
22 *seum Act”.*

23 **SEC. 2. DEFINITIONS.**

24 *In this Act:*

1 (1) *COMMISSION.*—*The term “Commission”*
 2 *means the Commission to Study the Potential Cre-*
 3 *ation of a National Women’s History Museum estab-*
 4 *lished by section 3(a).*

5 (2) *MUSEUM.*—*The term “Museum” means the*
 6 *National Women’s History Museum.*

7 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

8 (a) *IN GENERAL.*—*There is established the Commis-*
 9 *sion to Study the Potential Creation of a National Women’s*
 10 *History Museum.*

11 (b) *MEMBERSHIP.*—*The Commission shall be com-*
 12 *posed of 8 members, of whom—*

13 (1) *2 members shall be appointed by the major-*
 14 *ity leader of the Senate;*

15 (2) *2 members shall be appointed by the Speaker*
 16 *of the House of Representatives;*

17 (3) *2 members shall be appointed by the minor-*
 18 *ity leader of the Senate; and*

19 (4) *2 members shall be appointed by the minor-*
 20 *ity leader of the House of Representatives.*

21 (c) *QUALIFICATIONS.*—*Members of the Commission*
 22 *shall be appointed to the Commission from among individ-*
 23 *uals, or representatives of institutions or entities, who pos-*
 24 *sess—*

1 (1)(A) *a demonstrated commitment to the re-*
2 *search, study, or promotion of women’s history, art,*
3 *political or economic status, or culture; and*

4 (B)(i) *expertise in museum administration;*

5 (ii) *expertise in fundraising for nonprofit or cul-*
6 *tural institutions;*

7 (iii) *experience in the study and teaching of*
8 *women’s history;*

9 (iv) *experience in studying the issue of the rep-*
10 *resentation of women in art, life, history, and culture*
11 *at the Smithsonian Institution;*

12 (v) *extensive experience in public or elected serv-*
13 *ice; or*

14 (vi) *experience as a professional historian with*
15 *expertise in women’s history;*

16 (2) *experience in the administration of, or the*
17 *planning for, the establishment of, museums; or*

18 (3) *experience in the planning, design, or con-*
19 *struction of museum facilities.*

20 (d) *PROHIBITION.—No employee of the Federal Gov-*
21 *ernment may serve as a member of the Commission.*

22 (e) *DEADLINE FOR INITIAL APPOINTMENT.—The ini-*
23 *tial members of the Commission shall be appointed not later*
24 *than the date that is 90 days after the date of enactment*
25 *of this Act.*

1 (f) *VACANCIES.*—*A vacancy in the Commission—*

2 (1) *shall not affect the powers of the Commission;*

3 *and*

4 (2) *shall be filled in the same manner as the*
5 *original appointment was made.*

6 (g) *CHAIRPERSON.*—*The Commission shall, by major-*
7 *ity vote of all of the members, select 1 member of the Com-*
8 *mission to serve as the Chairperson of the Commission.*

9 **SEC. 4. DUTIES OF THE COMMISSION.**

10 (a) *REPORTS.*—

11 (1) *PLAN OF ACTION.*—*The Commission shall*
12 *submit to the President and Congress a report con-*
13 *taining the recommendations of the Commission with*
14 *respect to a plan of action for the establishment and*
15 *maintenance of a National Women’s History Museum*
16 *in Washington, DC.*

17 (2) *REPORT ON ISSUES.*—*The Commission shall*
18 *submit to the President and Congress a report that*
19 *addresses the following issues:*

20 (A) *The availability and cost of collections*
21 *to be acquired and housed in the Museum.*

22 (B) *The impact of the Museum on regional*
23 *women history-related museums.*

24 (C) *Potential locations for the Museum in*
25 *Washington, DC, and its environs.*

1 (D) *Whether the Museum should be part of*
2 *the Smithsonian Institution.*

3 (E) *The governance and organizational*
4 *structure from which the Museum should operate.*

5 (F) *Best practices for engaging women in*
6 *the development and design of the Museum.*

7 (G) *The cost of constructing, operating, and*
8 *maintaining the Museum.*

9 (3) *DEADLINE.—The reports required under*
10 *paragraphs (1) and (2) shall be submitted not later*
11 *than the date that is 18 months after the date of the*
12 *first meeting of the Commission.*

13 (b) *FUNDRAISING PLAN.—*

14 (1) *IN GENERAL.—The Commission shall develop*
15 *a fundraising plan to support the establishment, oper-*
16 *ation, and maintenance of the Museum through con-*
17 *tributions from the public.*

18 (2) *CONSIDERATIONS.—In developing the fund-*
19 *raising plan under paragraph (1), the Commission*
20 *shall consider—*

21 (A) *the role of the National Women’s His-*
22 *tory Museum (a nonprofit, educational organiza-*
23 *tion described in section 501(c)(3) of the Internal*
24 *Revenue Code of 1986 that was incorporated in*
25 *1996 in Washington, DC, and dedicated for the*

1 *purpose of establishing a women’s history mu-*
2 *seum) in raising funds for the construction of the*
3 *Museum; and*

4 *(B) issues relating to funding the operations*
5 *and maintenance of the Museum in perpetuity*
6 *without reliance on appropriations of Federal*
7 *funds.*

8 (3) *INDEPENDENT REVIEW.*—*The Commission*
9 *shall obtain an independent review of the viability of*
10 *the plan developed under paragraph (1) and such re-*
11 *view shall include an analysis as to whether the plan*
12 *is likely to achieve the level of resources necessary to*
13 *fund the construction of the Museum and the oper-*
14 *ations and maintenance of the Museum in perpetuity*
15 *without reliance on appropriations of Federal funds.*

16 (4) *SUBMISSION.*—*The Commission shall submit*
17 *the plan developed under paragraph (1) and the re-*
18 *view conducted under paragraph (3) to the Commit-*
19 *tees on Transportation and Infrastructure, House Ad-*
20 *ministration, Natural Resources, and Appropriations*
21 *of the House of Representatives and the Committees*
22 *on Rules and Administration, Energy and Natural*
23 *Resources, and Appropriations of the Senate.*

24 (c) *LEGISLATION TO CARRY OUT PLAN OF ACTION.*—
25 *Based on the recommendations contained in the report sub-*

1 mitted under paragraphs (1) and (2) of subsection (a), the
 2 Commission shall submit for consideration to the Commit-
 3 tees on Transportation and Infrastructure, House Adminis-
 4 tration, Natural Resources, and Appropriations of the
 5 House of Representatives and the Committees on Rules and
 6 Administration, Energy and Natural Resources, and Ap-
 7 propriations of the Senate recommendations for a legisla-
 8 tive plan of action to establish and construct the Museum.

9 (d) NATIONAL CONFERENCE.—Not later than 18
 10 months after the date on which the initial members of the
 11 Commission are appointed under section 3, the Commission
 12 may, in carrying out the duties of the Commission under
 13 this section, convene a national conference relating to the
 14 Museum, to be comprised of individuals committed to the
 15 advancement of the life, art, history, and culture of women.

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 20 additional personnel that are necessary to enable the
 21 Commission to perform the duties of the Commission.

22 (2) RATES OF PAY.—Rates of pay for persons
 23 employed under paragraph (1) shall be consistent
 24 with the rates of pay allowed for employees of a tem-

1 porary organization under section 3161 of title 5,
2 United States Code.

3 (b) *NOT FEDERAL EMPLOYMENT.*—Any individual
4 employed under this Act shall not be considered a Federal
5 employee for the purpose of any law governing Federal em-
6 ployment.

7 (c) *TECHNICAL ASSISTANCE.*—

8 (1) *IN GENERAL.*—Subject to paragraph (2), on
9 request of the Commission, the head of a Federal
10 agency may provide technical assistance to the Com-
11 mission.

12 (2) *PROHIBITION.*—No Federal employees may
13 be detailed to the Commission.

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20 the Commission; and

21 (B) shall serve without pay.

22 (2) *TRAVEL EXPENSES.*—A member of the Com-
23 mission shall be allowed a per diem allowance for
24 travel expenses, at rates consistent with those author-

1 *ized under subchapter I of chapter 57 of title 5,*
2 *United States Code.*

3 *(b) GIFTS, BEQUESTS, DEVISES.—The Commission*
4 *may solicit, accept, use, and dispose of gifts, bequests, or*
5 *devises of money, services, or real or personal property for*
6 *the purpose of aiding or facilitating the work of the Com-*
7 *mission.*

8 *(c) FEDERAL ADVISORY COMMITTEE ACT.—The Com-*
9 *mission shall not be subject to the Federal Advisory Com-*
10 *mittee Act (5 U.S.C. App.).*

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13 *30 days after the date on which the final versions of the*
14 *reports required under section 4(a) are submitted.*

15 **SEC. 8. FUNDING.**

16 *(a) IN GENERAL.—The Commission shall be solely re-*
17 *sponsible for acceptance of contributions for, and payment*
18 *of the expenses of, the Commission.*

19 *(b) PROHIBITION.—No Federal funds may be obligated*
20 *to carry out this Act.*

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