

118TH CONGRESS  
2D SESSION

# S. 4001

To establish a commission to study the potential transfer of the Weitzman National Museum of American Jewish History to the Smithsonian Institution, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MARCH 20, 2024

Mr. CASEY (for himself, Mr. CRAPO, Mr. FETTERMAN, Ms. COLLINS, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

---

## A BILL

To establish a commission to study the potential transfer of the Weitzman National Museum of American Jewish History to the Smithsonian Institution, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commission to Study  
5 the Potential Transfer of the Weitzman National Museum  
6 of American Jewish History to the Smithsonian Institu-  
7 tion Act”.

1 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

2 (a) IN GENERAL.—There is established the Commis-  
3 sion to Study the Potential Transfer of the Weitzman Na-  
4 tional Museum of American Jewish History to the Smith-  
5 sonian Institution (hereafter in this Act referred to as the  
6 “Commission”).

7 (b) MEMBERSHIP.—The Commission shall be com-  
8 posed of 9 members, of whom—

9 (1) 2 voting members shall be appointed by the  
10 majority leader of the Senate;

11 (2) 2 voting members shall be appointed by the  
12 Speaker of the House of Representatives;

13 (3) 2 voting members shall be appointed by the  
14 minority leader of the Senate;

15 (4) 2 voting members shall be appointed by the  
16 minority leader of the House of Representatives; and

17 (5) 1 nonvoting member shall be appointed by  
18 the board of the Weitzman National Museum of  
19 American Jewish History.

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

24 (1)(A) a demonstrated commitment to the re-  
25 search, study, or promotion of Jewish American his-

1 tory, art, political or economic status, or culture;  
2 and

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

4 (ii) expertise in fund-raising for nonprofit or  
5 cultural institutions;

6 (iii) experience in the study and teaching of  
7 Jewish American history;

8 (iv) experience in the study and teaching of  
9 combating and countering antisemitism;

10 (v) experience in studying the issue of the rep-  
11 resentation of Jewish Americans in art, life, history,  
12 and culture at the Smithsonian Institution; or

13 (vi) extensive experience in public or elected  
14 service;

15 (2) experience in the administration of, or the  
16 strategic planning for, museums; or

17 (3) experience in the planning or design of mu-  
18 seum facilities.

19 (d) DEADLINE FOR INITIAL APPOINTMENT.—The  
20 initial members of the Commission shall be appointed not  
21 later than the date that is 90 days after the date of enact-  
22 ment of this Act.

23 (e) VACANCIES.—A vacancy in the Commission—

24 (1) shall not affect the powers of the Commis-  
25 sion; and

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

3           (f) CHAIRPERSON.—The Commission shall, by major-  
4           ity vote of all of the voting members, select 1 member of  
5           the Commission to serve as the Chairperson of the Com-  
6           mission.

7           (g) PROHIBITION.—No employee of the Federal Gov-  
8           ernment may serve as a member of the Commission.

9           **SEC. 3. DUTIES OF COMMISSION.**

10          (a) REPORTS AND OTHER DELIVERABLES.—Not  
11          later than 2 years after the date of the first meeting of  
12          the Commission, the Commission shall submit to the  
13          President and to Congress the report, plan, and rec-  
14          ommendations described in paragraphs (1) through (3).

15               (1) REPORT ON ISSUES.—A report that ad-  
16               dresses the following issues relating to the Weitzman  
17               National Museum of American Jewish History in  
18               Philadelphia, PA, and its environs (hereafter in this  
19               Act referred to as the “Museum”):

20                       (A) The collections held by the Museum at  
21                       the time of the report, the extent to which such  
22                       collections are already represented in the  
23                       Smithsonian Institution and Federal memorials  
24                       at the time of the report, and the availability

1 and cost of future collections to be acquired and  
2 housed in the Museum.

3 (B) The impact of the Museum on edu-  
4 cational and governmental efforts to study and  
5 counter antisemitism.

6 (C) The financial assets and liabilities held  
7 by the Museum, and the cost of operating and  
8 maintaining the Museum.

9 (D) The governance and organizational  
10 structure from which the Museum should oper-  
11 ate if transferred to the Smithsonian Institu-  
12 tion.

13 (E) The financial and legal considerations  
14 associated with the potential transfer of the  
15 Museum to the Smithsonian Institution, includ-  
16 ing—

17 (i) any donor or legal restrictions on  
18 the Museum's collections, endowments, and  
19 real estate;

20 (ii) costs associated with actions that  
21 will be necessary to resolve the status of  
22 employees of the Museum, if the Museum  
23 is transferred to the Smithsonian Institu-  
24 tion; and

1 (iii) all additional costs for the Smith-  
2 sonian Institution that would be associated  
3 with operating and maintaining a new mu-  
4 seum outside of the Washington, DC, met-  
5 ropolitan area.

6 (F) The feasibility of the Museum becom-  
7 ing part of the Smithsonian Institution, taking  
8 into account the Museum's potential impact on  
9 the Smithsonian's existing facilities mainte-  
10 nance backlog, collections storage needs, and  
11 identified construction or renovation costs for  
12 new or existing museums.

13 (2) FUND-RAISING PLAN.—A fund-raising plan  
14 that addresses the following topics:

15 (A) The ability to support the transfer, op-  
16 eration, and maintenance of the Museum  
17 through contributions from the public, including  
18 potential charges for admission.

19 (B) Any potential issues with funding the  
20 operations and maintenance of the Museum in  
21 perpetuity without reliance on appropriations of  
22 Federal funds.

23 (3) LEGISLATIVE RECOMMENDATIONS.—A re-  
24 port containing recommendations regarding a legis-  
25 lative plan for transferring the Museum to the

1 Smithsonian Institution, which shall include each of  
2 the following:

3 (A) Proposals regarding the time frame,  
4 one-time appropriations level, and continuing  
5 appropriations levels that might be included in  
6 such legislation.

7 (B) Recommendations for the future name  
8 of the Museum if it is transferred to the Smith-  
9 sonian Institution.

10 (b) NATIONAL CONFERENCE.—Not later than 2  
11 years after the date on which the initial members of the  
12 Commission are appointed under section 2, the Commis-  
13 sion may, in carrying out the duties of the Commission  
14 under this section, convene a national conference relating  
15 to the Museum, to be comprised of individuals committed  
16 to the advancement of the life, art, history, and culture  
17 of Jewish Americans.

18 **SEC. 4. ADMINISTRATIVE PROVISIONS.**

19 (a) COMPENSATION.—

20 (1) IN GENERAL.—A member of the Commis-  
21 sion—

22 (A) shall not be considered to be a Federal  
23 employee for any purpose by reason of service  
24 on the Commission; and

25 (B) shall serve without pay.

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

6           (3) GIFTS, BEQUESTS, AND DEVISES.—The  
7 Commission may solicit, accept, use, and dispose of  
8 gifts, bequests, or devises of money, services, or real  
9 or personal property for the purpose of aiding or fa-  
10 cilitating the work of the Commission. Such gifts,  
11 bequests, or devises may be from the Museum.

12           (4) FEDERAL ADVISORY COMMITTEE ACT.—  
13 Chapter 10 of title 5, United States Code, shall not  
14 apply to the Commission.

15           (b) TERMINATION.—The Commission shall terminate  
16 on the date that is 30 days after the date on which the  
17 final versions of the report, plan, and recommendations  
18 required under section 3 are submitted.

19           (c) FUNDING.—The Commission shall be solely re-  
20 sponsible for acceptance of contributions for, and payment  
21 of the expenses of, the Commission.

22           (d) DIRECTOR AND STAFF OF COMMISSION.—

23           (1) DIRECTOR AND STAFF.—

24           (A) IN GENERAL.—The Commission may  
25 employ and compensate an executive director



1 and any other additional personnel that are  
2 necessary to enable the Commission to perform  
3 the duties of the Commission.

4 (B) RATES OF PAY.—Rates of pay for per-  
5 sons employed under subparagraph (A) shall be  
6 consistent with the rates of pay allowed for em-  
7 ployees of a temporary organization under sec-  
8 tion 3161 of title 5, United States Code.

9 (2) NOT FEDERAL EMPLOYMENT.—Any indi-  
10 vidual employed under this subsection shall not be  
11 considered a Federal employee for the purpose of  
12 any law governing Federal employment.

13 (3) TECHNICAL ASSISTANCE.—

14 (A) IN GENERAL.—Subject to subpara-  
15 graph (B), on request of the Commission, the  
16 head of a Federal agency shall provide technical  
17 assistance to the Commission.

18 (B) PROHIBITION.—No Federal employees  
19 may be detailed to the Commission.

20 (4) VOLUNTEER SERVICES.—Notwithstanding  
21 section 1342 of title 31, United States Code, the  
22 Commission may accept and use voluntary and un-  
23 compensated services as the Commission determines  
24 necessary.

1           (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon re-  
2   quest of the Commission, the Administrator of the General  
3   Services Administration shall provide to the Commission,  
4   on a reimbursable basis, the administrative support serv-  
5   ices necessary for the Commission to carry out its respon-  
6   sibilities under this Act. The involvement of the General  
7   Services Administration shall be limited to providing ad-  
8   ministrative support to the Commission, and such involve-  
9   ment shall terminate upon termination of the Commission.

10          (f) MEETING LOCATION.—The Commission may  
11   meet virtually or in-person.

12          (g) APPOINTMENT DELAYS.—The Commission may  
13   begin to meet and carry out activities under this Act be-  
14   fore all members of the Commission have been appointed  
15   if—

16            (1) 90 days have passed since the date of enact-  
17   ment of this Act; and

18            (2) a majority of the members of the Commis-  
19   sion have been appointed.

○