

COMMISSION TO STUDY THE POTENTIAL TRANSFER OF THE WEITZMAN
NATIONAL MUSEUM OF AMERICAN JEWISH HISTORY TO THE SMITHSO-
NIAN INSTITUTION ACT

SEPTEMBER 17, 2024.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. STEIL, from the Committee on House Administration,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 7764]

The Committee on House Administration, to whom was referred the bill (H.R. 7764) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commission to Study the Potential Transfer of the Weitzman National Museum of American Jewish History to the Smithsonian Institution Act”.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) **IN GENERAL.**—There is established the Commission to Study the Potential Transfer of the Weitzman National Museum of American Jewish History to the Smithsonian Institution (hereafter in this Act referred to as the “Commission”).

(b) **MEMBERSHIP.**—The Commission shall be composed of 8 members, of whom—

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

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

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

(4) 2 voting members shall be appointed by the minority leader of the House of Representatives.

(c) **QUALIFICATION.**—Members of the Commission shall be appointed to the Commission from among individuals, or representatives of institutions or entities, who possess—

(1)(A) a demonstrated commitment to the research, study, or promotion of Jewish American history, art, political or economic status, or culture; and

(B)(i) expertise in museum administration;

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

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

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

(v) experience in studying the issue of the representation of Jewish Americans in art, life, history, and culture at the Smithsonian Institution; or

(vi) extensive experience in public or elected service;

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

(3) experience in the planning or design of museum facilities.

(d) **DEADLINE FOR INITIAL APPOINTMENT.**—The initial members of the Commission shall be appointed not later than the date that is 90 days after the date of enactment of this Act.

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

(1) shall not affect the powers of the Commission; and

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

(f) **CHAIRPERSON.**—The Commission shall, by majority vote of all of the voting members, select 1 member of the Commission to serve as the Chairperson of the Commission.

(g) **PROHIBITION.**—No employee of the Federal Government may serve as a member of the Commission.

SEC. 3. DUTIES OF COMMISSION.

(a) **REPORTS AND OTHER DELIVERABLES.**—Not later than 2 years after the date of the first meeting of the Commission, the Commission shall submit to the President and to Congress the report, plan, and recommendations described in paragraphs (1) through (3).

(1) **REPORT ON ISSUES.**—A report that addresses the following issues relating to the Weitzman National Museum of American Jewish History in Philadelphia, PA, and its environs (hereafter in this Act referred to as the “Museum”):

(A) The collections held by the Museum at the time of the report, the extent to which such collections are already represented in the Smithsonian Institution and Federal memorials at the time of the report, and the availability and cost of future collections to be acquired and housed in the Museum.

(B) The impact of the Museum on educational and governmental efforts to study and counter antisemitism.

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

(D) The governance and organizational structure from which the Museum should operate if transferred to the Smithsonian Institution.

(E) The financial and legal considerations associated with the potential transfer of the Museum to the Smithsonian Institution, including—

(i) any donor or legal restrictions on the Museum’s collections, endowments, and real estate;

(ii) costs associated with actions that will be necessary to resolve the status of employees of the Museum, if the Museum is transferred to the Smithsonian Institution; and

(iii) all additional costs for the Smithsonian Institution that would be associated with operating and maintaining a new museum outside of the Washington, D.C. metropolitan area.

(F) The feasibility of the Museum becoming part of the Smithsonian Institution, taking into account the Museum's potential impact on the Smithsonian's existing facilities maintenance backlog, collections storage needs, and identified construction or renovation costs for new or existing museums.

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

(A) The ability to support the transfer, operation, and maintenance of the Museum through contributions from the public, including potential charges for admission.

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

(3) **LEGISLATIVE RECOMMENDATIONS.**—A report containing recommendations regarding a legislative plan for transferring the Museum to the Smithsonian Institution, which shall include each of the following:

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

(B) Recommendations for the future name of the Museum if it is transferred to the Smithsonian Institution.

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

SEC. 4. ADMINISTRATIVE PROVISIONS.

(a) **COMPENSATION.**—

(1) **IN GENERAL.**—A member of the Commission—

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

(B) shall serve without pay.

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

(3) **GIFTS, BEQUESTS, AND DEVISES.**—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money, services, or real or personal property for the purpose of aiding or facilitating the work of the Commission. Such gifts, bequests, or devises may be from the Museum.

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

(c) **FUNDING.**—The Commission shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the Commission.

(d) **DIRECTOR AND STAFF OF COMMISSION.**—

(1) **DIRECTOR AND STAFF.**—

(A) **IN GENERAL.**—The Commission may employ and compensate an executive director and any other additional personnel that are necessary to enable the Commission to perform the duties of the Commission.

(B) **RATES OF PAY.**—Rates of pay for persons employed under subparagraph (A) shall be consistent with the rates of pay allowed for employees of a temporary organization under section 3161 of title 5, United States Code.

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

(3) **TECHNICAL ASSISTANCE.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), on request of the Commission, the head of a Federal agency shall provide technical assistance to the Commission.

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

(4) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon request of the Commission, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act. The involvement of the General Services Administration shall be limited to providing administrative support to the Commission, and such involvement shall terminate upon termination of the Commission.

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

(g) APPOINTMENT DELAYS.—The Commission may begin to meet and carry out activities under this Act before all members of the Commission have been appointed if—

- (1) 90 days have passed since the date of the enactment of this Act; and
- (2) a majority of the members of the Commission have been appointed.

PURPOSE AND SUMMARY

H.R. 7764, the Commission to Study the Potential Transfer of the Weitzman National Museum of American Jewish History to the Smithsonian Institution Act, introduced by Representatives Debbie Wasserman Schultz, Michael Turner, Brendan Boyle, and Max Miller, would 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.

BACKGROUND AND NEED FOR LEGISLATION

BACKGROUND

The Weitzman National Museum of American Jewish History is the only museum in the United States of America solely focused on the history of Jews in the America.

NEED FOR LEGISLATION

Representatives Debbie Wasserman Schultz, Michael Turner, Brendan Boyle, and Max Miller's H.R. 7764, the Commission to Study the Potential Transfer of the Weitzman National Museum of American Jewish History to the Smithsonian Institution Act, 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.

The Weitzman National Museum of American Jewish History is the only museum in the United States of America solely focused on the history of Jews in the America. Despite its well-rounded collection of sub-institutions and museums, the Smithsonian Institution does not include a museum dedicated solely to the curation of the history and story of Jews in America. This legislation would establish a commission to examine the feasibility, true necessity, and future potential of the Smithsonian Institution subsuming the Weitzman into its organization.

COMMITTEE ACTION

INTRODUCTION AND REFERRAL

On March 20, 2024, Representatives Debbie Wasserman Schultz, Michael Turner, Brendan Boyle, and Max Miller introduced H.R. 7764, the Commission to Study the Potential Transfer of the Weitzman National Museum of American Jewish History to the

Smithsonian Institution Act. The bill was referred to the U.S. House of Representatives Committee on House Administration.

COMMITTEE CONSIDERATION

On September 11, 2024, the Committee on House Administration met in open session and ordered the bill, H.R. 7764, the Commission to Study the Potential Transfer of the Weitzman National Museum of American Jewish History to the Smithsonian Institution Act, favorably reported, with a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of House rule XIII, the following votes occurred during the Committee's consideration of H.R. 7764:

Vote to amendment H.R. 7764 in the nature of a substitute favorably passed by voice vote.

Vote to report H.R. 7764 favorably, to the House of Representatives, passed by voice vote.

STATEMENT OF CONSTITUTIONAL AUTHORITY

Congress has the power to enact this legislation pursuant to the following:

Article One of the Constitution of the United States.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

STATEMENT OF BUDGET AUTHORITY AND RELATED ITEMS

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(I) of the Congressional Budget Act of 1974, the Committee provides the following opinion and estimate with respect to new budget authority, entitlement authority, and tax expenditures. The Committee believes that there will be no additional costs attributable to H.R. 7764.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such an estimate to be printed in the Congressional Record if it is received by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

The performance goals and objectives of H.R. 7764 include the appointment of commission members not later than the date that is 90 days after the date of enactment of this Act. Not later than 2 years after the date of the first meeting of the Commission, the Commission shall submit to the President and to Congress a report, plan, and recommendations.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 7764 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

ADVISORY ON EARMARKS

In accordance with clause 9 of House rule XXI, H.R. 7764 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such an estimate to be printed in the Congressional Record if it is received by the Committee.

ADVISORY COMMITTEE STATEMENT

H.R. 7764 does not establish or authorize any new advisory committees.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS

Section 1

This section provides a short title for H.R. 7764.

Section 2

This section establishes the commission, defines membership, qualifications of members, deadline for initial appointment, and designation of a chairman.

Section 3

This section outlines the duties of the commission, including the completion of report, plan, and recommendations to Congress and the President of the United States of America.

Section 4

This section includes administrative provisions related to the commission including compensation, termination of the commission, and administrative support to the commission.

MINORITY VIEWS

H.R. 7764 would establish a commission to study the feasibility of transferring the Weitzman Museum of American Jewish History to the Smithsonian. Jewish Americans are a vital part of the nation's fabric. They have served at some of the highest levels of government, won Nobel prizes, created enduring pieces of art and literature, and been at the forefront of virtually all national efforts for social justice, freedom, and equality.

Unfortunately, antisemitism in the United States has surged in recent years, fueled by attacks on Jewish Americans after the October 7, 2023, terrorist attack in Israel, as well as the seemingly unbridled growth of racism, extremism, and white supremacy across the nation.

In 2017, white supremacists in Charlottesville marched, chanting, "Jews will not replace us;"¹ in 2018, an antisemitic terrorist attack killed 11 people and wounded six at the Tree of Life Synagogue in Pittsburgh;² and in the aftermath of Hamas' terrorist attack in Israel, antisemitism intensified to what the FBI Director described as "historic levels" across the United States.³

More must be done to explain the valuable role Jewish Americans play in our national story to help inoculate individuals against the antisemitic stereotypes and conspiracy theories proliferating on platforms like TikTok and other places online. The addition of the Weitzman Museum of American Jewish History to the Smithsonian is an ideal way to do so, and this bill is the first step toward realizing that goal.

JOSEPH D. MORELLE,
Ranking Member.



¹ Sheryl Gay Stolberg & Brian M. Rosenthal, *White Nationalists March on University of Virginia*, N.Y. Times (Aug. 11, 2017), <https://www.nytimes.com/2017/08/11/us/white-nationalists-rally-charlottesville-virginia.html>.

² Campbell Robertson, Christopher Mele & Sabrina Tavernise, *11 Killed in Synagogue Massacre; Suspect Charged With 29 Counts*, N.Y. Times (Oct. 27, 2018), <https://www.nytimes.com/2018/10/27/us/active-shooter-pittsburgh-synagogue-shooting.html>.

³ Hannah Rabinowitz, *FBI director: Antisemitism reaching 'historic level' in US*, CNN (Oct. 31, 2023), <https://www.cnn.com/2023/10/31/politics/fbi-director-antisemitism-wray/index.html>.