

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

S. 398

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commission to Study
5 the Potential Creation of a National Women’s History
6 Museum Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) COMMISSION.—The term “Commission”
10 means the Commission to Study the Potential Cre-

1 ation of a National Women’s History Museum estab-
2 lished by section 3(a).

3 (2) MUSEUM.—The term “Museum” means the
4 National Women’s History Museum.

5 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

6 (a) IN GENERAL.—There is established the Commis-
7 sion to Study the Potential Creation of a National Wom-
8 en’s History Museum.

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

11 (1) 2 members shall be appointed by the major-
12 ity leader of the Senate;

13 (2) 2 members shall be appointed by the Speak-
14 er of the House of Representatives;

15 (3) 2 members shall be appointed by the minor-
16 ity leader of the Senate; and

17 (4) 2 members shall be appointed by the minor-
18 ity leader of the House of Representatives.

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

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

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

2 (ii) expertise in fundraising for nonprofit or cul-
3 tural institutions;

4 (iii) experience in the study and teaching of
5 women's history;

6 (iv) experience in studying the issue of the rep-
7 resentation of women in art, life, history, and cul-
8 ture at the Smithsonian Institution;

9 (v) extensive experience in public or elected
10 service; or

11 (vi) experience as a professional historian with
12 expertise in women's history;

13 (2) experience in the administration of, or the
14 planning for, the establishment of, museums; or

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

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

19 (e) 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 (f) 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 (g) CHAIRPERSON.—The Commission shall, by ma-
4 jority vote of all of the members, select 1 member of the
5 Commission to serve as the Chairperson of the Commis-
6 sion.

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

8 (a) REPORTS.—

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

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

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

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

22 (C) Potential locations for the Museum in
23 Washington, DC, and its environs.

24 (D) Whether the Museum should be part
25 of the Smithsonian Institution.

1 (E) The governance and organizational
2 structure from which the Museum should oper-
3 ate.

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

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

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

12 (b) FUNDRAISING PLAN.—

13 (1) IN GENERAL.—The Commission shall de-
14 velop a fundraising plan to support the establish-
15 ment, operation, and maintenance of the Museum
16 through contributions from the public.

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

20 (A) the role of the National Women’s His-
21 tory Museum (a nonprofit, educational organi-
22 zation described in section 501(c)(3) of the In-
23 ternal Revenue Code of 1986 that was incor-
24 porated in 1996 in Washington, DC, and dedi-
25 cated for the purpose of establishing a women’s

1 history museum) in raising funds for the con-
2 struction of the Museum; and

3 (B) issues relating to funding the oper-
4 ations and maintenance of the Museum in per-
5 petuity without reliance on appropriations of
6 Federal funds.

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

16 (4) SUBMISSION.—The Commission shall sub-
17 mit the plan developed under paragraph (1) and the
18 review conducted under paragraph (3) to the Com-
19 mittees on Transportation and Infrastructure,
20 House Administration, Natural Resources, and Ap-
21 propriations of the House of Representatives and the
22 Committees on Rules and Administration, Energy
23 and Natural Resources, and Appropriations of the
24 Senate.

1 (c) LEGISLATION TO CARRY OUT PLAN OF AC-
2 TION.—Based on the recommendations contained in the
3 report submitted under paragraphs (1) and (2) of sub-
4 section (a), the Commission shall submit for consideration
5 to the Committees on Transportation and Infrastructure,
6 House Administration, Natural Resources, and Appropria-
7 tions of the House of Representatives and the Committees
8 on Rules and Administration, Energy and Natural Re-
9 sources, and Appropriations of the Senate recommenda-
10 tions for a legislative plan of action to establish and con-
11 struct the Museum.

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

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

21 (a) DIRECTOR AND STAFF.—

22 (1) IN GENERAL.—The Commission may em-
23 ploy and compensate an executive director and any
24 other additional personnel that are necessary to en-

1 able the Commission to perform the duties of the
2 Commission.

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

8 (b) NOT FEDERAL EMPLOYMENT.—Any individual
9 employed under this Act shall not be considered a Federal
10 employee for the purpose of any law governing Federal
11 employment.

12 (c) TECHNICAL ASSISTANCE.—

13 (1) IN GENERAL.—Subject to paragraph (2), on
14 request of the Commission, the head of a Federal
15 agency may provide technical assistance to the Com-
16 mission.

17 (2) PROHIBITION.—No Federal employees may
18 be detailed to the Commission.

19 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

20 (a) COMPENSATION.—

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

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

1 (B) shall serve without pay.

2 (2) TRAVEL EXPENSES.—A member of the
3 Commission shall be allowed a per diem allowance
4 for travel expenses, at rates consistent with those
5 authorized under subchapter I of chapter 57 of title
6 5, United States Code.

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

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

15 **SEC. 7. TERMINATION.**

16 The Commission shall terminate on the date that is
17 30 days after the date on which the final versions of the
18 reports required under section 4(a) are submitted.

19 **SEC. 8. FUNDING.**

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

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