

COMMISSION TO STUDY THE POTENTIAL CREATION OF A
NATIONAL WOMEN'S HISTORY MUSEUM ACT OF 2013

APRIL 10, 2014.—Ordered to be printed

Mrs. MILLER of Michigan, from the Committee on House
Administration, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 863]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 863) to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE AND SUMMARY

The purpose of the legislation is to establish a commission to study the potential creation of a National Women's History Museum in the Washington, DC area. The commission is charged with submitting a report to the President and Congress, within 18 months of its first meeting, containing recommendations with respect to the establishment of a museum. The eight-member commission, equally appointed by bipartisan and bicameral congressional leadership, is prohibited from using federal funds and is solely responsible for payment of its expenses. The commission terminates 30 days after submitting its final report.

BACKGROUND AND NEED FOR MUSEUM

According to the U.S. Census Bureau, women comprise more than half of our nation's population.¹ Since our nation's founding, women have made substantial contributions to the economic, financial, political, and cultural fabric of our society. Yet at the present time, there is no single museum in the nation's capital dedicated to telling the comprehensive story of women's history and preserving the legacies of women's contributions to our nation.

Private efforts to establish a women's history museum have been ongoing for many years. For example, the non-profit National Women's History Museum (NWHM) was incorporated in 1996 and has worked towards obtaining a permanent museum site on or near the National Mall.

Since the 105th Congress, various bills have been introduced to advance the creation of a women's museum. In the 108th and 109th Congresses, legislation authorizing a 99-year occupancy agreement with the NWHM at the Old Post Office Pavilion annex passed the Senate by unanimous consent but the House took no action.² In the 111th Congress, the House passed legislation conveying the Cotton Annex site to NWHM at fair market value for the purposes of establishing the museum but the Senate did not act on the legislation.³

Museum Commissions

Precedent exists to establish a commission to study the creation of a national museum, notably the National Museum of African American History and Culture Plan for Action Presidential Commission and the National Museum of the American Latino Commission. These commissions examined a number of issues surrounding the creation of national museums and their reports, issued in 2003 and 2011 respectively, provided policy guidance and recommendations to Congress and the President.⁴

INCLUSION AS PART OF SMITHSONIAN INSTITUTION

The Commission is directed to consider whether the museum should be part of the Smithsonian Institution, which is the primary focus of this Committee. The two recent museum commissions recommended those museums be part of the Smithsonian. The issue warrants thorough review and reflection by a commission as it has repercussions for the museum including its governance and financing.

An affirmative decision dictates the governing structure of the museum, as it would be integrated into the Smithsonian's organizational structure. The museum would be subject to the policies approved by the Smithsonian Board of Regents.

¹United States Census Bureau, State & County Quickfacts, Mar. 27, 2014, <http://quickfacts.census.gov/qfd/states/00000.html>.

²S. 1741, 108th Cong. (as passed by Senate on Nov. 21, 2003); S. 501, 109th (as passed by Senate on July 29, 2005).

³H.R. 1700, 111th Cong. (as passed by House on Oct. 14, 2009).

⁴National Museum of African American History and Culture Plan for Action Presidential Commission, *The Time Has Come Report to the President and Congress* (2003), http://nmaahceis.com/documents/The_Time_Has_Come.pdf; National Museum of the American Latino Commission, *Final Report to the President and Congress of the United States, to Illuminate the American Story for All* (2011), http://americanlatinomuseum.org/assets/NMAL_FINAL_Report.pdf.

Over the last decade, the Smithsonian has added two major facilities to its collection, and a third one, the National Museum of African American History and Culture, is expected to open by 2016, bringing the total number of Smithsonian museums to 19.⁵ An additional museum added to the Smithsonian portfolio would increase the demands on the Smithsonian for fundraising and other support. The fully private funding model for construction and maintenance contemplated in testimony before the Committee departs from past approaches to creating museums within the Smithsonian umbrella and would require adapting those approaches to the private model.

INTRODUCTION AND REFERRAL

On February 27, 2013, Congresswoman Carolyn B. Maloney introduced H.R. 863, which was referred to the Committee on Natural Resources, and in addition the Committee on House Administration.

HEARINGS

On December 11, 2013, the Committee held a hearing on “Establishing a Commission to Study the Potential Creation of a National Women’s History Museum.” The Committee heard testimony from the sponsor of H.R. 863, Rep. Carolyn Maloney and an original co-sponsor of the legislation, Rep. Marsha Blackburn. In addition, Ms. Joan Wages, President and CEO of the non-profit National Women’s History Museum testified.

The witnesses testified regarding the need for a national museum to serve as a repository for women’s achievements and the bipartisan support for the concept of such a museum. Ms. Wages also elaborated on the fully private funding model championed by her organization for the construction and maintenance of a national women’s history museum.

COMMITTEE CONSIDERATION

On April 2, 2014, the Committee on House Administration met to consider H.R. 863. The Committee ordered the bill reported favorably to the House without amendment by voice vote with a quorum present.

COMMITTEE RECORD VOTES

In compliance with House Rule XIII, clause 3(b), requiring the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the Committee report, the Committee states that there were no record votes during the Committee’s consideration of H.R. 863.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

In compliance with House Rule XIII, clause 3(c)(1), the Committee states that the findings and recommendations of the Committee, based on oversight activities under House Rule X, clause

⁵The Udvar-Hazy Center, part of the Air and Space Museum, opened in 2003. The National Museum of the American Indian opened in 2004.

2(b)(1), are incorporated into the general discussion section of this report.

STATEMENT OF BUDGET AUTHORITY AND RELATED ITEMS

The bill does not provide new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures and a statement under House Rule XIII, clause 3(c)(2), and section 308(a)(1) of the Congressional Budget Act of 1974 is not required.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 9, 2014.

Hon. CANDICE MILLER,
*Chairman, Committee on House Administration,
House of Representatives, Washington, DC.*

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 863, the Commission to Study the Potential Creation of a National Women's History Museum Act of 2013.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 863—Commission to Study the Potential Creation of a National Women's History Museum Act of 2013

CBO estimates that enacting H.R. 863 would have no significant effect on the federal budget. The legislation would affect direct spending because it would authorize the commission to accept and spend monetary gifts. Therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effect on direct spending would be insignificant. Enacting H.R. 863 would not affect revenues.

H.R. 863 would establish a commission to prepare a report containing recommendations for establishing and maintaining a National Women's History Museum in Washington, D.C. The 8-member commission would have 18 months to produce the report and submit it to the Congress. All commission members would serve without pay but would be reimbursed for travel expenses. In addition, the commission would be authorized to hire staff and, while no federal employees could be detailed to the commission, federal agencies could provide technical support. Finally, the bill would prohibit federal funds from being used for commission expenses; it would have to rely on gifts and contributions to cover those costs.

H.R. 863 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

In compliance with House Rule XIII, clause 3(c)(4), the Committee states that the general discussion section of this report includes a statement of the general performance goals and objectives, including outcome-related goals and objectives, for which H.R. 863 authorizes funding.

CONSTITUTIONAL AUTHORITY STATEMENT

Congress has the power to enact this legislation pursuant to Article I, Section 8 of the U.S. Constitution granting Congress the power “To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States.”

ADVISORY ON EARMARKS

In accordance with House rule XXI, clause 9, the Committee states that H.R. 863 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

SECTION-BY-SECTION DESCRIPTION OF LEGISLATION

Section 1 provides the title of the bill.

Section 2 provides definitions of key terms used in the bill.

Section 3 establishes the commission, the qualifications of its members, the selection process for the chair of the commission and prohibits federal employees from serving as a member of the commission.

Section 4 outlines the duties of the commission including the submission of reports to Congress and the President within 18 months after its first meeting which provide a plan of action for the establishment of the museum and examine issues including collections; impact on regional women history-related museums; potential locations; whether it should be part of the Smithsonian; governance structure; engagement of women in the running and construction of the museum; and costs of constructing, operating and maintaining the museum. The section directs the commission to develop a fundraising plan and authorizes the commission to convene a national conference no later than 18 months after appointment of commission members.

Section 5 authorizes the commission to employ staff and federal agency heads to provide technical assistance, other than detailed employees, to the commission.

Section 6 stipulates that commission members are not considered federal employees and will not be compensated; provides for per diem allowance for travel expenses; authorizes the commission to use, solicit, and accept gifts to aid the commission’s work; and provides

that the commission is not subject to the Federal Advisory Commission Act.

Section 7 provides that commission terminates 30 days after issuing its final report.

Section 8 prohibits federal funds from being used to carry out the act and stipulates that the commission is solely responsible for the acceptance of contributions for and payment of its expenses.

ADDITIONAL VIEWS

We strongly support the “Commission to Study the Potential Creation of a National Women’s History Museum Act of 2013”, to recognize the role and achievements of the women of America. H.R. 863, the bill introduced by Rep. Carolyn Maloney of New York to authorize the commission, was ordered reported unanimously by the Committee on House Administration on April 2, 2014. The primary committee to which the legislation was referred, Natural Resources, is expected to report the legislation shortly.

The principal interest of our Committee is in whether such a museum should become part of the Smithsonian Institution. The commission created by H.R. 863 is directed to study pros and cons of a potential Smithsonian affiliation, and that issue was also discussed during testimony at our earlier hearing on this legislation. A Smithsonian museum would be subject to direction by that Institution’s Board of Regents and its governance and management structure. Two other recent national commissions were authorized by Congress and both recommended that the Smithsonian structure be used for the museums they were studying: the National Museum of African American History and Culture, currently under construction on the National Mall and scheduled to open in less than two years; and the National Museum of the American Latino, whose commission’s report submitted in 2011 is likely to receive a hearing soon in the Committee on House Administration.

An alternative recommendation by the commission might be for a National Women’s History Museum to exist as an independent entity, with its own governing board. In either case, whether as a Smithsonian museum or independent, H.R. 863 anticipates that the museum will receive private donations but no government funding.

In reporting H.R. 863, our Committee took no position on the governance issue, but we have ample experience in evaluating the Smithsonian’s capabilities in building and managing the large number of museums currently under its control, and so we kept that option in the bill. The commission should exercise its best judgment in determining what would work best for this specific museum within the expected budgetary constraints, and Congress would review those recommendations in formulating later legislation to actually create a museum.

One issue of concern to us relates to the size and composition of the eight-member congressionally-appointed commission proposed to be established in H.R. 863, and the absence of any presidential appointees. In order to have a true national museum, participation by the president is important in order to give the commission the status and credibility, as well as the variety of members, necessary to perform its tasks and to help raise the necessary private funds when that time comes. Both the African American Museum com-

mission and the American Latino Museum commission had seven presidential appointees out of 23 members, with the majority appointed by the congressional leadership.

There are no partisan issues concerning this legislation. The commission needs to be seen as the national commitment that it is, rather than be limited as a creature of the legislative branch.

An amendment had been drafted by the Democratic staff, which the House parliamentarian confirmed was within the jurisdiction of the House Administration Committee to take up, to establish presidential appointees in H.R. 863. Ranking Member Brady alluded to the issue in his opening statement. But the amendment was withheld during our markup at Chairman Miller's request. The Committee on Natural Resources may consider the issue in their role as the primary committee, at their own markup, and we will continue to focus attention on the issue during preparation of a final text of the bill for action on the House floor.

ROBERT A. BRADY.
ZOE LOFGREN.
JUAN VARGAS.

