

MARKUP of H.R. 2134

MARKUP
BEFORE THE
COMMITTEE ON
HOUSE ADMINISTRATION
HOUSE OF REPRESENTATIVES
ONE HUNDRED NINTH CONGRESS
SECOND SESSION

MEETING HELD IN WASHINGTON, DC, JULY 27, 2006

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MARKUP OF H.R. 2134

THURSDAY, JULY 27, 2006

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The committee met, pursuant to call, at 10:09 a.m., in room 1310, Longworth House Office Building, Hon. Vernon J. Ehlers (chairman of the committee) presiding.

Present: Representatives Ehlers, Ney, Doolittle, Millender-McDonald, Brady, and Lofgren.

Staff Present: Fred Hay, General Counsel; Bryan T. Dorsey, Professional Staff Member; Peter Sloan, Clerk; Craley Funfgeld, Staff Assistant; George F. Shevlin, Minority Staff Director; Michael Harrison, Minority Professional Staff Member; Matt Pinkus, Minority Professional Staff Member; and Kristin McCowan, Minority Staff Assistant.

The CHAIRMAN. Good morning, ladies and gentlemen. The Committee on House Administration will come to order.

First, I would like to advise members of our audience here today—as well as members of our staff, of course—that all cellular phones, pagers and other electronic equipment must be silenced to prevent interruption of our business. Thank you.

Today, the committee will be conducting two types of business. First, we will mark up H.R. 2134, which establishes the Commission to Study the Potential Creation of a National Museum of the American Latino Community Act of 2006. I will be offering an amendment to the bill, which I will explain later.

After this, we will move forward with the other business before us, an oversight hearing of the Library of Congress.

The Latino American community is often recognized for its arabesque of rich traditions, sense of community and deeply rooted beliefs which are woven throughout the fabric of American history. As the Nation's fastest growing ethnic community, the Latino population in America has more than doubled in size to the last 10 years to over 40 million, and continues to grow. The creation of a National Museum of the American Latino Community would enable Latino Americans to tell their story, and would create a destination for students, families and visitors that would comprehensively depict Latino American history.

In order to explore the possibility of creating such a museum, the legislation before us specifies that a commission be created with 23 members, seven of whom would be appointed by the President, and three voting and one non-voting member. Each would be appointed

by the Speaker, the House minority leader, the Senate majority leader and the Senate minority leader.

Once appointed, the commissioners would assess the cost of the museum, its impact on other Hispanic and Latino-related museums, identify a possible location for the museum, and propose guidelines for the museum's operation. The commission will also work closely with the Latino American community during the design and development phase to ensure that the museum creatively captures the Latino American experience.

My staff has submitted an amendment to this legislation referencing several technical changes, including a provision to update the title of the legislation with 2006 in place of 2005, adding Senate Rules and Administration to the committee list for the receipt of the proposed legislation, and in section 3(d) of the bill, clarify the language to reflect that the 2-year appropriations authorization applies to fiscal year 2007 and fiscal year 2008, not fiscal year 2006–2007.

I urge my colleagues to support this important legislation, which is the first step in creating a national museum of the American Latino community that will serve as a testament to the vibrant history and tradition of Latino Americans.

I would also like at this point to commend Mr. Ney, who, when he was chairman, began the work on this with the interested parties and gave them encouragement; and as a result of that encouragement, this bill was entered into the record and has been considered by the Resources Committee, and now by us.

At this time, I would be pleased to recognize any member of the minority who might wish to comment in the absence of the ranking member, Ms. Millender-McDonald, who incidentally is at a very important function, the signing at the White House of the extension of the Voting Rights Act, which is so important to so many of us.

So I am pleased to recognize the gentlewoman from California, Ms. Lofgren, for a comment.

Ms. LOFGREN. Thank you, Mr. Chairman. I will be brief. And, indeed, our ranking member is at the White House for that very important signing ceremony.

I just would like to add my support to this bill, and also to commend my colleague from California, Congressman Becerra, who is the lead author of the bill, for his efforts to bring this very important effort forward.

Certainly, as a Californian, this has special meaning to me. As you know, I chair the California Democratic Delegation, and our delegation is very interested in support of this effort. So I think this is a very important step forward for this effort that will honor and enlighten Americans about our Latino roots, especially in the West and Southwest; and I commend the chairman for his efforts as well.

Thank you for recognizing me, and I yield back.

The CHAIRMAN. And I thank you for your comments. Is there anyone else who wishes to comment?

The Chair recognizes Mr. Ney.

Mr. NEY. Thank you, Mr. Chairman. Thank you for your kind comments.

It was a pleasure to work with Congressman Becerra and Congresswoman Ileana Ros-Lehtinen and a lot of other people on this issue. Your moving this forward, I think, is a wonderful thing to do.

And I also look forward to Dr. Billington, our Librarian of Congress. Thank you.

The CHAIRMAN. Thank you for your comments.

Any other comments? Let us proceed to consideration of H.R. 2134.

The Chair asks unanimous consent that H.R. 2134 be considered as read and open to amendment at any point. Without objection, so ordered.

[The information follows:]

109TH CONGRESS
1ST SESSION

H. R. 2134

To establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2005

Mr. BECERRA (for himself, Ms. ROS-LEHTINEN, Mrs. NAPOLITANO, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LEWIS of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. BACA, Mr. BEAUPREZ, Ms. ROYBAL-ALLARD, Mr. SHIMKUS, Mr. GRIJALVA, Mr. WELLER, Ms. BERKLEY, Mr. BERMAN, Mr. BROWN of Ohio, Mr. CARDOZA, Mr. CLYBURN, Mr. COSTA, Mr. CROWLEY, Mr. CUELLAR, Ms. DELAURO, Mr. DOGGETT, Mr. FALDOMAVEGA, Mr. FILNER, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HINOJOSA, Ms. NORTON, Mr. HONDA, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LARSON of Connecticut, Ms. LEE, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mrs. MCCARTHY, Mr. MEEKS of New York, Mr. MEEK of Florida, Mr. MENENDEZ, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. RANGEL, Mr. REYES, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCIACKOWSKY, Mr. SCOTT of Georgia, Mr. SERRANO, Ms. SOLIS, Mr. STARK, Mr. TOWNS, Mrs. JONES of Ohio, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. WEINER, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, 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 Creation of a National Museum of the Amer-
6 ican Latino Community Act of 2005”.

7 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

8 (a) IN GENERAL.—There is established the Commis-
9 sion to Study the Potential Creation of a National Mu-
10 seum of the American Latino Community (hereafter in
11 this Act referred to as the “Commission”).

12 (b) MEMBERSHIP.—The Commission shall consist of
13 23 members appointed not later than 6 months after the
14 date of the enactment of this Act as follows:

15 (1) The President shall appoint 7 voting mem-
16 bers.

17 (2) The Speaker of the House of Representa-
18 tives, the minority leader of the House of Represent-
19 atives, the majority leader of the Senate, and the mi-

1 minority leader of the Senate shall each appoint 3 vot-
2 ing members.

3 (3) In addition to the members appointed under
4 paragraph (2), the Speaker of the House of Rep-
5 representatives, the minority leader of the House of
6 Representatives, the majority leader of the Senate,
7 and the minority leader of the Senate shall each ap-
8 point 1 nonvoting member.

9 (c) QUALIFICATIONS.—Members of the Commission
10 shall be chosen from among individuals, or representatives
11 of institutions or entities, who possess either—

12 (1) a demonstrated commitment to the re-
13 search, study, or promotion of American Latino life,
14 art, history, political or economic status, or culture,
15 together with—

16 (A) expertise in museum administration;

17 (B) expertise in fundraising for nonprofit
18 or cultural institutions;

19 (C) experience in the study and teaching of
20 Latino culture and history at the post-sec-
21 ondary level;

22 (D) experience in studying the issue of the
23 Smithsonian Institution's representation of
24 American Latino art, life, history, and culture;
25 or

1 (E) extensive experience in public or elect-
2 ed service; or

3 (2) experience in the administration of, or the
4 planning for the establishment of, museums devoted
5 to the study and promotion of the role of ethnic, ra-
6 cial, or cultural groups in American history.

7 **SEC. 3. FUNCTIONS OF THE COMMISSION.**

8 (a) **PLAN OF ACTION FOR ESTABLISHMENT AND**
9 **MAINTENANCE OF MUSEUM.**—The Commission shall sub-
10 mit a report to the President and the Congress containing
11 its recommendations with respect to a plan of action for
12 the establishment and maintenance of a National Museum
13 of the American Latino Community in Washington, DC
14 (hereafter in this Act referred to as the “Museum”).

15 (b) **FUNDRAISING PLAN.**—The Commission shall de-
16 velop a fundraising plan for supporting the creation and
17 maintenance of the Museum through contributions by the
18 American people, and a separate plan on fundraising by
19 the American Latino community.

20 (c) **REPORT ON ISSUES.**—The Commission shall ex-
21 amine (in consultation with the Secretary of the Smithso-
22 nian Institution), and submit a report to the President
23 and the Congress on, the following issues:

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

1 (2) The impact of the Museum on regional
2 Hispanic- and Latino-related museums.

3 (3) Possible locations for the Museum in Wash-
4 ington, DC and its environs, to be considered in con-
5 sultation with the National Capital Planning Com-
6 mission and the Commission of Fine Arts.

7 (4) Whether the Museum should be located
8 within the Smithsonian Institution.

9 (5) The governance and organizational struc-
10 ture from which the Museum should operate.

11 (6) How to engage the American Latino com-
12 munity in the development and design of the Mu-
13 seum.

14 (d) LEGISLATION TO CARRY OUT PLAN OF AC-
15 TION.—Based on the recommendations contained in the
16 report submitted under subsection (a) and the report sub-
17 mitted under subsection (c), the Commission shall submit
18 for consideration to the Committee on Transportation and
19 Infrastructure of the House of Representatives, the Com-
20 mittee on House Administration of the House of Rep-
21 resentatives, the Committee on Resources of the House
22 of Representatives, the Committee on Energy and Natural
23 Resources of the Senate, and the Committees on Appro-
24 priations of the House of Representatives and the Senate

1 recommendations for a a legislative plan of action to cre-
2 ate and construct the Museum.

3 (e) NATIONAL CONFERENCE.—In carrying out its
4 functions under this section, the Commission shall convene
5 a national conference on the Museum, comprised of indi-
6 viduals committed to the advancement of American Latino
7 life, art, history, and culture, not later than 9 months
8 after the date of the enactment of this Act.

9 **SEC. 4. ADMINISTRATIVE PROVISIONS.**

10 (a) FACILITIES AND SUPPORT OF SECRETARY OF IN-
11 TERIOR.—The Secretary of the Interior shall provide the
12 administrative services, facilities, and funds necessary for
13 the performance of the Commission’s functions.

14 (b) COMPENSATION.—Each member of the Commis-
15 sion who is not an officer or employee of the Federal Gov-
16 ernment may receive compensation for each day on which
17 the member is engaged in the work of the Commission,
18 at a daily rate to be determined by the Secretary of the
19 Interior.

20 (c) TRAVEL EXPENSES.—Each member shall receive
21 travel expenses, including per diem in lieu of subsistence,
22 in accordance with applicable provisions under subchapter
23 I of chapter 57 of title 5, United States Code.

1 **SEC. 5. DEADLINE FOR SUBMISSION OF REPORTS; TERMI-**
2 **NATION.**

3 (a) **DEADLINE.**—The Commission shall submit final
4 versions of the reports and plans required under section
5 4 not later than 18 months after the date of the enactment
6 of this Act.

7 (b) **TERMINATION.**—The Commission shall terminate
8 not later than 30 days after submitting the final versions
9 of reports and plans pursuant to subsection (a).

10 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated for carrying
12 out the activities of the Commission \$2,100,000 for fiscal
13 year 2006 and \$1,100,000 for fiscal year 2007.

○

The CHAIRMAN. The Chair now offers an amendment in the nature of a substitute and asks unanimous consent that it be considered as read.

Without objection, so ordered.
[The information follows:]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2134
OFFERED BY MR. EHLERS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Commission to Study
3 the Potential Creation of a National Museum of the Amer-
4 ican Latino Community Act of 2006”.

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11 23 members appointed not later than 6 months after the
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17 atives, the majority leader of the Senate, and the mi-

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2 ing members.

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5 resentatives, the minority leader of the House of
6 Representatives, the majority leader of the Senate,
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18 or cultural institutions;

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20 Latino culture and history at the post-sec-
21 ondary level;

22 (D) experience in studying the issue of the
23 Smithsonian Institution's representation of
24 American Latino art, life, history, and culture;

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18 American people, and a separate plan on fundraising by
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21 resentatives, the Committee on Rules and Administration
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23 of Representatives, the Committee on Energy and Natural
24 Resources of the Senate, and the Committees on Appro-
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2 and construct the Museum.

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12 out the activities of the Commission \$2,100,000 for fiscal
13 year 2007 and \$1,100,000 for fiscal year 2008.

The CHAIRMAN. Is there any discussion on the chairman's amendment in the nature of a substitute?

Hearing no discussion, I would—I am pleased to ask if there are any further amendments to the chairman's amendment in the nature of a substitute.

Hearing none, the clerk will report the amendment—I am sorry—I am trying to go too rapidly here.

The question is on the chairman's amendment in the nature of a substitute. Those in favor will say aye.

Those opposed, no.

The amendment in the nature of a substitute is adopted.

The Chair recognizes Mr. Ney for the purpose of offering a motion.

Mr. NEY. Thank you, Mr. Chairman.

I move that H.R. 2134, as amended, be reported favorably to the House.

The CHAIRMAN. The question is on the motion. Those in favor will say aye.

Those opposed will say no.

The motion carries. The motion is agreed to, and H.R. 2134, as amended, is reported favorably to the House, and the Chair notes that a quorum is present.

I ask unanimous consent that members have 7 calendar days for statements and materials to be entered into the appropriate place in the record.

Without objection, the material will be so entered.

I ask unanimous consent that staff be authorized to make technical and conforming changes on all matters considered by the committee at today's markup.

Without objection, so ordered. And the bill is reported out.

This concludes our markup of business, and we will now move into the committee's oversight hearing on the Library of Congress.

[Whereupon, at 10:15 a.m., the committee proceeded to other business.]