

COMMISSION TO STUDY THE POTENTIAL CREATION OF A  
NATIONAL MUSEUM OF THE AMERICAN LATINO COM-  
MUNITY ACT OF 2006

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SEPTEMBER 25, 2006.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 2134]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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 Creation of a National Museum of the American Latino Community Act of 2006”.

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

(a) **IN GENERAL.**—There is established the Commission to Study the Potential Creation of a National Museum of the American Latino Community (hereafter in this Act referred to as the “Commission”).

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

(1) The President shall appoint 7 voting members.

(2) The Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall each appoint 3 voting members.

(3) In addition to the members appointed under paragraph (2), the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall each appoint 1 nonvoting member.

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

(1) a demonstrated commitment to the research, study, or promotion of American Latino life, art, history, political or economic status, or culture, together with—

- (A) expertise in museum administration;
- (B) expertise in fundraising for nonprofit or cultural institutions;
- (C) experience in the study and teaching of Latino culture and history at the post-secondary level;
- (D) experience in studying the issue of the Smithsonian Institution's representation of American Latino art, life, history, and culture; or
- (E) extensive experience in public or elected service; or

(2) experience in the administration of, or the planning for the establishment of, museums devoted to the study and promotion of the role of ethnic, racial, or cultural groups in American history.

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

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

(b) **FUNDRAISING PLAN.**—The Commission shall develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the American Latino community.

(c) **REPORT ON ISSUES.**—The Commission shall examine (in consultation with the Secretary of the Smithsonian Institution), and submit a report to the President and the Congress on, the following issues:

- (1) The availability and cost of collections to be acquired and housed in the Museum.
- (2) The impact of the Museum on regional Hispanic- and Latino-related museums.
- (3) Possible locations for the Museum in Washington, DC and its environs, to be considered in consultation with the National Capital Planning Commission and the Commission of Fine Arts.
- (4) Whether the Museum should be located within the Smithsonian Institution.
- (5) The governance and organizational structure from which the Museum should operate.
- (6) How to engage the American Latino community in the development and design of the Museum.

(d) **LEGISLATION TO CARRY OUT PLAN OF ACTION.**—Based on the recommendations contained in the report submitted under subsection (a) and the report submitted under subsection (c), the Commission shall submit for consideration to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate recommendations for a legislative plan of action to create and construct the Museum.

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

### **SEC. 4. ADMINISTRATIVE PROVISIONS.**

(a) **FACILITIES AND SUPPORT OF SECRETARY OF INTERIOR.**—The Secretary of the Interior shall provide the administrative services, facilities, and funds necessary for the performance of the Commission's functions.

(b) **COMPENSATION.**—Each member of the Commission who is not an officer or employee of the Federal Government may receive compensation for each day on which the member is engaged in the work of the Commission, at a daily rate to be determined by the Secretary of the Interior.

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

**SEC. 5. DEADLINE FOR SUBMISSION OF REPORTS; TERMINATION.**

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

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

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

There are authorized to be appropriated for carrying out the activities of the Commission \$2,100,000 for fiscal year 2007 and \$1,100,000 for fiscal year 2008.

**PURPOSE OF THE BILL**

The purpose of H.R. 2134 is 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.

**BACKGROUND AND NEED FOR LEGISLATION**

The American Latino community is often recognized for its 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 in the last ten years to over 40 million, and continues to grow. As the sponsor of this legislation has noted that, "countless Americans—Latinos and otherwise—believed that the mosaic portrayed in Washington's museums was missing a few tiles." The creation of a National Museum of the American Latino Community would enable American Latinos 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 bill establishes a Commission to be created with 23 members—seven of whom would be appointed by the President, and three voting and one non-voting 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 accurately captures the Latino American experience.

**COMMITTEE ACTION AND VOTE**

H.R. 2134 was introduced on May 5, 2005, by Congressman Xavier Becerra (D-CA). The bill was referred to the Committee on Resources as the primary Committee of jurisdiction with an additional referral to the Committee on House Administration. The additional referral to the Committee on House Administration was due to references within the bill to the Smithsonian Institution, which the Committee on House Administration has jurisdiction over. The Committee on Resources favorably reported the bill on July 20, 2006.

On July 27, 2006, the Committee on House Administration met to consider the bill. The Chairman offered an amendment in the

nature of a substitute that changed two aspects of the bill. The amendment changed Section 1, the short title, to the "Commission to Study the Potential Creation of a National Museum of the American Latino Community Act of 2006". In addition, it altered Section 6, authorization of appropriations, to state, "There are authorized to be appropriated for carrying out the activities of the Commission \$2,100,000 for fiscal year 2007 and \$1,100,000 for fiscal year 2008." The amendment was adopted and the Committee ordered the amended bill reported to the House of Representatives by voice vote.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community in Washington, DC, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 8, 2006.*

Hon. VERNON J. EHLERS,  
*Chairman, Committee on House Administration,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2134, the Commission to Study the Potential Creation of a National Museum of the American Latino Community Act of 2006.

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

Sincerely,

ROBERT A. SUNSHINE  
(For Donald B. Marron, Acting Director).

Enclosure.

*H.R. 2134—Commission to Study the Potential Creation of a National Museum of the American Latino Community Act of 2006*

H.R. 2134 would establish a commission to develop a plan for establishing and maintaining a National Museum of the American Latino Community in Washington, D.C. Under the bill, the 23-member commission would report its recommendations on the museum to the Congress within 18 months of the legislation's enactment. For the purpose of carrying out the commission's responsibilities, the bill would authorize the appropriation of \$2.1 million for 2007 and \$1.1 million for 2008.

Based on information provided by the National Park Service and assuming appropriation of the amounts authorized for 2007 and 2008, CBO estimates that the federal government would spend about \$3 million over the next three years to establish the commission and to develop a plan for the proposed museum. Most of this amount would be spent for feasibility studies and other research. We estimate that enacting H.R. 2134 would have no effect on revenues or direct spending.

H.R. 2134 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.

On June 30, 2006, CBO transmitted a cost estimate for H.R. 2134 as ordered reported by the House Committee on Resources on June 21, 2006. The two versions of this bill are very similar, but the version approved by the Committee on Resources would authorize appropriations for 2006 and 2007 rather than for 2007 and 2008. The CBO cost estimates reflect that difference.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CONSTITUTIONAL AUTHORITY

In compliance with clause 3(d)(1) of rule XIII, the Committee states that Article 1, Section 8, Clause 18, of the U.S. Constitution grants Congress the authority to make necessary and proper laws to carry out the power to spend Federal funds.

COMMITTEE OVERSIGHT FINDINGS

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

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

