

**MARKUP OF H.R. 863, COMMISSION
TO STUDY THE POTENTIAL
CREATION OF A NATIONAL
WOMEN'S HISTORY MUSEUM ACT
OF 2013**

MEETING

BEFORE THE

COMMITTEE ON HOUSE
ADMINISTRATION
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, APRIL 2, 2014

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**MARKUP OF H.R. 863, COMMISSION TO STUDY
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WEDNESDAY, APRIL 2, 2014

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

The committee met, pursuant to call, at 10:31 a.m., in room 1310, Longworth House Office Building, Hon. Candice S. Miller (chairman of the committee) presiding.

Present: Representatives Miller, Harper, Gingrey, Schock, Nugent, Brady, Lofgren, and Vargas.

Staff Present: Sean Moran, Staff Director; Peter Schalestock, Deputy General Counsel; Yael Barash, Legislative Clerk; Bob Sensenbrenner, Senior Counsel; Mary Sue Englund, Director of Administration; Erin Sayago, Communications Director; John Clocker, Deputy Staff Director; Kyle Anderson, Minority Staff Director; Matt Pinkus, Minority Senior Policy Advisor; Matt DeFreitas, Minority Professional Staff; Khalil Abboud, Minority Deputy Counsel; Thomas Hicks, Minority Senior Counsel; Mike Harrison, Minority Chief Counsel; Greg Abbott, Minority Professional Staff; and Eddie Flaherty, Minority Chief Clerk.

The CHAIRMAN. I would like to call to order the Committee on House Administration for today's committee hearing. A quorum is present, so we can proceed. And the meeting record will remain open for 5 legislative days so that members might submit any other materials that they might wish to be included in the record.

And first of all, we are going to have a markup, a quick markup here before we go into our hearing scheduled today on the National Zoo. Our markup will consider one item, which is H.R. 863, which is a bill to establish a commission to study the potential creation of a National Women's History Museum.

The Committee on Natural Resources actually has primary jurisdiction over this bill, over this issue. House Administration has jurisdiction over the single issue of the bill of having a commission consider whether the museum should be part of the Smithsonian Institution. We will be issuing a report on that issue to move the bill forward in the process. But again on other matters, such as the museum's location, the makeup of the commission, et cetera, they will be addressed by the Committee on Natural Resources.

At the end of last year, this committee held a hearing on the topic of the bill that is before us today, and we received testimony from our colleagues and the bill's sponsor in the House, Represent-

ative Marsha Blackburn and Representative Carolyn Maloney. Their testimony urged Congress to establish a National Women's Museum paid for and maintained entirely with private funds. This bipartisan measure was cosponsored by more than 85 Members. It is an appropriate step to study the possibility of a future Women's History Museum.

The accomplishments of women are woven throughout the tapestry of our great Nation's history, within small towns or large cities, within each State, and across the entire Nation. Women have contributed in every war effort, been inventors, been architects, business innovators, and leaders in shaping America's politics as well. Creating a commission to study this endeavor would be an important step toward memorializing America's memory of the deep and enduring contributions women have made.

Since the 105th Congress various bills have been introduced to advance the creation of a women's museum. One bill even passed the House and two in the Senate. And today I hope our committee's action will enable this measure to move forward during this Congress.

Establishing a commission is a step in the right direction to fully explore how such a museum would integrate with our existing national institutions, especially the Smithsonian, as well as regional and local cultural institutions, what it will cost, how we can fund it, and where would we put it? These issues, and I am sure many more, are some areas that a commission will discuss, investigate, and make recommendations for consideration.

And I am sure that we can all agree that the intellectual, cultural, economic, and countless other contributions by half of our society deserve to have the right custodians for today and tomorrow's generation of women to learn about the accomplishments of yesterday's generations. And with this goal in mind, we are considering this bill to establish a commission to study the potential creation of a National Women's History Museum.

Again, this bill is also under the jurisdiction of the House Committee on Natural Resources. And it is also important to note that there has been talk that this bill hopefully will receive floor consideration this year. So I am pleased to have the committee's members' support to consider moving this bill forward and to provide an opportunity to determine how our Nation can best represent the significant milestones and advancements of our foremothers.

I would now recognize my colleague, my ranking member on the committee, Mr. Brady, for the purpose of his opening statement.

Mr. BRADY. Thank you, Madam Chairman.

Madam Chairman, I join with you in support of bipartisan legislation providing for a commission to study the creation of the National Women's History Museum in Washington, D.C. Women comprise more than half of the United States population. They have achieved historic accomplishments in all fields of endeavor and deserve this opportunity for recognition in the Nation's Capital.

I anticipate this action on the legislation would be followed later this spring by a hearing on the final report of the American Latino Museum Commission, which has been before us since 2011, and which you expressed an interest in at the end of this year.

I would urge the members prior to final action on this bill by the House to work to expand the size of the Women's History Museum Commission to a more workable number beyond the current eight and to include Presidential appointees, as was the case with the African-American Museum and the American Latino Museum Commissions. This would enhance the commission's chances of ultimate success.

I look forward to the opportunity to evaluate the commission's work during the 114th Congress, and I urge an aye vote for this legislation.

The CHAIRMAN. Thank the gentleman very much.

Are there other members of the committee that would like to have an opening statement? The gentleman from Georgia, Dr. Gingrey.

Mr. GINGREY. Madam Chairman, I want to thank you for calling this markup on H.R. 863, the Commission to Study the Potential Creation of a National Women's History Museum Act. If enacted, this legislation would establish a commission which would then be required to submit a report to the President and to Congress detailing their recommendations for the establishment of a National Women's History Museum located here in Washington, D.C.

The bill will also direct the commission to report on whether the Women's History Museum should be part of the Smithsonian Institution, which is why this committee has the opportunity to weigh in on the legislation before us today.

While some museums devoted to women's history already exist, most cover only specific aspects of women's contributions, such as the National Museum of Women in the Arts or the Women of the West Museum. Rather than trying to pick and choose places to add women's history in existing exhibits, a National Women's History Museum will provide a chance to give a more comprehensive account of women's numerous contributions to our Nation's history.

Women make up more than half of this country's population, yet too often their achievements and their contributions throughout history have been overshadowed. It is past time that we focus on the important influence women have had in their own right, and this bill before us today creates a commission that is a critical first step in so doing. Today's markup gives us as a committee an important chance to show our commitment to ensuring that women's history is honored and given the attention that it deserves.

Madam Chairman, I thank you, and I yield back.

The CHAIRMAN. Thank the gentleman.

Are there any other members that wish to make an opening statement?

The gentlelady from California.

Ms. LOFGREN. Just briefly, I wanted to compliment the supporters actually in the private sector who helped bring us to this day. It was just a short period of time ago that you and I sat here and we had the authors here, but we also had the people who worked so hard out in the community to get support and to give us hope that we will be able to actually see this as a museum.

So I think this is a very important day. Obviously, it is just a first step, but it is an important first step. And I know that they are still committed to continuing their efforts. We are going to

count on them. I see them here in the audience, and I wanted to note that.

And thank you, Madam Chair. I agree with the ranking member. I hope that this can be a model for us and that we will be able to take similar swift action on the Latino Museum, which has actually been under consideration for a considerable period of time. So if we had a hearing on that, maybe we would have the same outcome on that.

And I, with those comments, would yield back on this great day.

The CHAIRMAN. Thank you very much.

As I did mention, I am interested in pursuing a hearing on the Latino Museum and would certainly go through these one at a time here. But in regards to your comments, Ms. Lofgren, as well, I certainly want to add, and I see some of the ladies out in the audience today that have been so passionate and so dedicated and committed to pushing this forward. So we want to thank you for that and I know you are going to all continue with that as we take this, as has been mentioned, very important first step.

I now call up and lay before the committee, H.R. 863.

[The Act, H.R. 863, follows:]



113TH CONGRESS
1ST SESSION

H. R. 863

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2013

Mrs. CAROLYN B. MALONEY of New York (for herself, Mrs. BLACKBURN, Ms. NORTON, Mr. RANGEL, Ms. MOORE, Mr. MORAN, Mrs. DAVIS of California, Mr. HONDA, Mr. GRIJALVA, Ms. SPEIER, Ms. SCHAKOWSKY, Mr. CICILLINE, Ms. MATSUI, Mr. ELLISON, Ms. LORETTA SANCHEZ of California, Mr. PETERS of Michigan, Mrs. CAPPs, Ms. DELAURO, Mr. MCGOVERN, and Ms. BROWN of Florida) introduced the following bill; which was referred to the Committee on Natural 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 Women's History Museum, 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 Women's History
6 Museum Act of 2013".

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COMMISSION.—The term “Commission”
4 means the Commission to Study the Potential Cre-
5 ation of a National Women’s History Museum estab-
6 lished by section 3(a).

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

9 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

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

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

15 (1) 2 members shall be appointed by the major-
16 ity leader of the Senate;

17 (2) 2 members shall be appointed by the Speak-
18 er of the House of Representatives;

19 (3) 2 members shall be appointed by the minor-
20 ity leader of the Senate; and

21 (4) 2 members shall be appointed by the minor-
22 ity leader of the House of Representatives.

23 (c) QUALIFICATIONS.—Members of the Commission
24 shall be appointed to the Commission from among individ-
25 uals, or representatives of institutions or entities, who pos-
26 sess—

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

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

5 (ii) expertise in fundraising for nonprofit or cul-
6 tural institutions;

7 (iii) experience in the study and teaching of
8 women’s history;

9 (iv) experience in studying the issue of the rep-
10 resentation of women in art, life, history, and cul-
11 ture at the Smithsonian Institution; or

12 (v) extensive experience in public or elected
13 service;

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

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

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

20 (e) DEADLINE FOR INITIAL APPOINTMENT.—The
21 initial members of the Commission shall be appointed not
22 later than the date that is 90 days after the date of enact-
23 ment of this Act.

24 (f) VACANCIES.—A vacancy in the Commission—

1 (1) shall not affect the powers of the Commis-
2 sion; and

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

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

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

10 (a) REPORTS.—

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

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

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

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

24 (C) Potential locations for the Museum in
25 Washington, DC, and its environs (including

1 the location located on public land bounded by
2 Independence Avenue SW., 14th Street SW.,
3 15th Street SW., and Jefferson Drive SW., in
4 Washington, DC, that is established subject to
5 chapter 89 of title 40, United States Code
6 (commonly known as the “Commemorative
7 Works Act”).

8 (D) Whether the Museum should be part
9 of the Smithsonian Institution.

10 (E) The governance and organizational
11 structure from which the Museum should oper-
12 ate.

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

15 (G) The cost of constructing, operating,
16 and maintaining the Museum.

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

21 (b) FUNDRAISING PLAN.—

22 (1) IN GENERAL.—The Commission shall de-
23 velop a fundraising plan to support the establish-
24 ment and maintenance of the Museum through con-
25 tributions from the public.

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

4 (A) the role of the National Women’s His-
5 tory Museum (a nonprofit, educational organi-
6 zation described in section 501(c)(3) of the In-
7 ternal Revenue Code of 1986 that was incor-
8 porated in 1996 in Washington, DC, and dedi-
9 cated for the purpose of establishing a women’s
10 history museum) in raising funds for the con-
11 struction of the Museum; and

12 (B) issues relating to funding the oper-
13 ations and maintenance of the Museum in per-
14 petuity.

15 (c) LEGISLATION TO CARRY OUT PLAN OF AC-
16 TION.—Based on the recommendations contained in the
17 report submitted under paragraphs (1) and (2) of sub-
18 section (a), the Commission shall submit for consideration
19 to the Committees on Transportation and Infrastructure,
20 House Administration, Natural Resources, and Appropria-
21 tions of the House of Representatives and the Committees
22 on Rules and Administration, Energy and Natural Re-
23 sources, and Appropriations of the Senate recommenda-
24 tions for a legislative plan of action to establish and con-
25 struct the Museum.

1 (d) NATIONAL CONFERENCE.—Not later than 18
2 months after the date on which the initial members of the
3 Commission are appointed under section 3, the Commis-
4 sion may, in carrying out the duties of the Commission
5 under this section, convene a national conference relating
6 to the Museum, to be comprised of individuals committed
7 to the advancement of the life, art, history, and culture
8 of women.

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

10 (a) DIRECTOR AND STAFF.—

11 (1) IN GENERAL.—The Commission may em-
12 ploy and compensate an executive director and any
13 other additional personnel that are necessary to en-
14 able the Commission to perform the duties of the
15 Commission.

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

21 (b) NOT FEDERAL EMPLOYMENT.—Any individual
22 employed under this Act shall not be considered a Federal
23 employee for the purpose of any law governing Federal
24 employment.

25 (c) TECHNICAL ASSISTANCE.—

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

5 (2) PROHIBITION.—No Federal employees may
6 be detailed to the Commission.

7 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

8 (a) COMPENSATION.—

9 (1) IN GENERAL.—A member of the Commis-
10 sion—

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

14 (B) shall serve without pay.

15 (2) TRAVEL EXPENSES.—A member of the
16 Commission shall be allowed a per diem allowance
17 for travel expenses, at rates consistent with those
18 authorized under subchapter I of chapter 57 of title
19 5, United States Code.

20 (b) GIFTS, BEQUESTS, DEVICES.—The Commission
21 may solicit, accept, use, and dispose of gifts, bequests, or
22 devises of money, services, or real or personal property for
23 the purpose of aiding or facilitating the work of the Com-
24 mission.

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

4 **SEC. 7. TERMINATION.**

5 The Commission shall terminate on the date that is
6 30 days after the date on which the final versions of the
7 reports required under section 4(a) are submitted.

8 **SEC. 8. FUNDING.**

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

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

○

The CHAIRMAN. And without objection, the first reading of the bill is dispensed with, and the bill is considered read and open for amendment at any point. Is there any debate? Are there any members that want to offer an amendment on the bill? If not, I would move that the committee favorably report H.R. 863. The question is on the motion.

All those in favor, signify by saying aye.

Opposed, say nay.

Motion carried.

In the opinion of the chair, as I say, the ayes have it. So without objection, the motion to reconsider is laid upon the table. Does any member wish to file supplemental minority or additional views for inclusion in the committee report to the House.

Mr. BRADY. Madam Chair?

The CHAIRMAN. Mr. Brady.

Mr. BRADY. I would like to announce that the Democratic members will request 2 additional calendar days provided by Clause 2, Rule 11 of the Rules of the House in order to file these.

The CHAIRMAN. Pursuant to Clause 2 of Rule 11, the member is entitled to 2 additional calendar days to file such views in writing and signed by that member with the clerk of the committee.

I would now ask unanimous consent that the staff be authorized to make technical and conforming changes to the measure the committee just considered. Without objection, so ordered.

That concludes today's markup. Congratulations, ladies, and we look forward to working with you very much.

This portion of our meeting, the markup, is adjourned.

[Whereupon, at 10:41 a.m., the committee was adjourned.]

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