

Calendar No. 234

110TH CONGRESS }
1st Session }

SENATE

{ REPORT
110-104

COMMISSION TO STUDY THE POTENTIAL CREATION OF THE NATIONAL MUSEUM OF THE AMERICAN LATINO ACT OF 2007

JUNE 26, 2007.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 512]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 512) to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purpose, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 512 is to establish a commission to study the potential creation of the National Museum of the American Latino in Washington, DC.

BACKGROUND AND NEED

With a population exceeding 42 million, Hispanic Americans comprise the largest minority group in the United States. The Census Bureau estimates that in the year 2050, the Hispanic population in the U.S. will reach over 100 million. Parts of what are now the United States were settled by pioneers of Hispanic descent long before the establishment of this country.

Despite this long history, there is presently no museum located in Washington, DC, that primarily tells the story of the American Hispanic or Latino community. H.R. 512 will establish a commis-

sion to provide advice on the establishment of such a museum to better tell the complete and diverse story of Americans.

LEGISLATIVE HISTORY

H.R. 512, sponsored by Representative Becerra, passed the House of Representatives by a voice vote on February 6, 2007. A companion measure, S. 500, was introduced by Senator Salazar and 23 other Senators on February 6, 2007. During the 109th Congress, the House also passed a similar measure, H.R. 2134.

The Subcommittee on National Parks held a hearing on H.R. 512 and S. 500 on March 20, 2007. At its business meeting on May 23, 2007, the Committee on Energy and Natural Resources ordered H.R. 512 favorably reported, without amendment.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on May 23, 2007, by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 512.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “Commission to Study the Potential Creation of the National Museum of the American Latino Act of 2007.”

Section 2(a) establishes the Commission to Study the Potential Creation of a National Museum of the American Latino.

Subsection (b) provides that the Commission shall consist of 23 members, with 7 appointed by the President, 3 each by the Speaker and Minority Leader of the House of Representatives, and 3 each by the Majority Leader and Minority Leader of the Senate. Each congressional leader is also authorized to appoint one non-voting member of the Commission.

Subsection (c) lists the qualifications for Commission members.

Section 3(a) requires the Commission to 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 in Washington, DC.

Subsection (b) states that the Commission shall develop a fundraising plan for supporting the creation and maintenance of the museum.

Subsection (c) directs the Commission to examine various issues associated with the creation and location of the museum, including the availability and cost of collections to be housed at the museum, the impact of the museum on regional Hispanic and Latino-related museums, possible locations for the museum and whether the museum should be part of the Smithsonian Institution.

Subsection (d) provides that the Commission shall submit recommendations for a legislative plan of action to create and construct the museum to several congressional committees.

Subsection (e) authorizes the Committee to convene a national conference on the museum.

Section 4(a) requires the Department of the Interior to provide, from funds appropriated for that purpose, administrative services, facilities, and funds necessary for the performance of the Commission’s functions.

Subsection (b) provides that each member of the Commission who is not an officer or employee of the Federal Government may receive compensation while engaged in the work of the Commission.

Subsection (c) authorizes the payment of travel expenses for Commission members.

Subsection (d) states that the Federal Advisory Committee Act shall not apply to the Commission.

Section 5(a) requires the Commission to submit final versions of the reports and plans referred to in this Act no later than 24 months after the date of the Commission's first meeting.

Subsection (b) provides that the Commission shall terminate no later than 30 days after submitting the final versions of the reports and plans referred to in subsection (a).

Section 6 authorizes the appropriation of \$2.1 million for the first fiscal year beginning after the date of enactment and \$1.1 million for the following year.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

MAY 31, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 512, the Commission to Study the Potential Creation of the National Museum of the American Latino Act of 2007.

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

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 512—Commission to Study the Potential Creation of the National Museum of the American Latino Act of 2007

H.R. 512 would establish a commission to develop a plan for creating and maintaining a National Museum of the American Latino Community in Washington, D.C. Under the act, the 23-member commission would report its recommendations for the museum to the Congress within two years of its first meeting. For the purpose of carrying out the commission's responsibilities, the act would authorize the appropriation of \$3.2 million over the next two years.

Based on information provided by the National Park Service and assuming appropriation of the authorized amounts, CBO estimates that the federal government would spend about \$3 million over the next two 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. 512 would have no effect on revenues or direct spending.

H.R. 512 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

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

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 512. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 512, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the March 20, 2007 Subcommittee hearing on H.R. 512 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 500 and H.R. 512, bills to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community (Commission) to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, D.C.

The Department has no objection to the concept of establishing a commission to study the potential creation of a national museum for the American Latino community, and we suggest that a technical correction be made to S. 500 to make it consistent with the House-passed companion bill, H.R. 512. We note that other agencies, such as the Smithsonian Institution, may be able to provide more insight on the benefits as well as the significant budget implications of establishing and operating a separate museum in this time of constrained budgets. We suggest that the General Services Administration (GSA) rather than the Department of the Interior provide the administrative support, since it is our understanding that the GSA has an office set up to provide such services for other commissions.

S. 500 and H.R. 512 would establish a Commission to study and report on the potential creation of a museum, the availability and cost of collections to be acquired and housed in the museum, possible locations, the organizational structure from which the museum should operate, and how to engage the American Latino Community in the development and design of a museum. The Commission would consist of 23 voting and non-voting members ap-

pointed by the President and Congressional leadership. The legislation would require that the Commission convene a national conference on the museum no later than 18 months after the commission members are selected and submit recommendations for a legislative plan to create and construct the museum based on the findings of its study no later than 24 months after the date of the Commission's first meeting. The bill would require the Secretary of the Interior to provide administrative services, facilities, and funds necessary for the operation of the Commission with funds made available prior to any meetings of the Commission.

We suggest that S. 500 and H.R. 512 be amended to drop the requirement that the Secretary of the Interior provide administrative services, facilities, and funds necessary for the operation of the Commission as well as determine the daily rate of compensation for Commission members. The Department does not have available funds to provide such support. We suggest, alternatively, that the General Services Administration (GSA) provide such administrative support. We recommend a technical correction be made to S. 500 to specify the Committees to receive the report containing the Commission's recommendations for a plan of action and the report on issues.

We appreciate that both S. 500 and H.R. 512 have been improved over the past versions of the legislation by providing the Commission with a full opportunity to consider a wide variety of potentially appropriate and worthy locations for the museum and directing the Commission to consult with the National Capital Planning Commission and the Commission of Fine Arts during such consideration. This requirement supports the purpose and follows guidelines provided by the "Memorials and Museums Master Plan," described further below. Previous proposals contained provisions limiting the study to specific sites to be considered including locations on or near the National Mall.

The location for a museum is of paramount importance to all federal agencies, including the Department of the Interior, the National Capital Planning Commission, and the Commission of Fine Arts. In September 2001, the Commission of Fine Arts, the National Capital Planning Commission, and the Department of the Interior through the Secretary's National Capital Memorial Advisory Commission, adopted the Memorials and Museums Master Plan (2M Plan) to guide the location of new memorials, museums, and related structures in the Nation's Capital. The 2M Plan states that future memorials and museums should be precluded from being located in "The Reserve," an area described as the great cross-axis of the National Mall extending from the United States Capitol to the Lincoln Memorial and from the White House to the Jefferson Memorial. Congress concurred with the need to protect The Reserve from overdevelopment, calling this area "a substantially completed work of civic art," and, on November 13, 2003,

with enactment of amendments to the Commemorative Works Act, The Reserve was established by statute. The amendments also preclude commemorative works which are primarily designed as museums from being located on parkland in Area I or in East Potomac Park. In addition, the National Capital Planning Commission and the Commission of Fine Arts, in partnership with the National Park Service and other key federal and local agencies, are developing a National Capital Framework Plan that will facilitate use of some of the 2M Plan sites for nationally significant museums and memorials. Both the 2M Plan and the National Capital Framework Plan will provide useful guidance to the new Commission.

The National Park Service is proud to be the steward of monuments along Virginia Avenue to commemorate Spanish General Bernardo de Galvez, ally to the American colonies during the American Revolution, and four South American heroes, Simon Bolivar, Jose de San Martin, Benito Pablo Juarez, and Jose Gervasio Artigas. All five statues were memorial gifts to the people of the United States from the people of Spain, Venezuela, Argentina, Mexico and Uruguay to recognize these liberators of Bolivia, Columbia, Ecuador, Peru, Venezuela, Argentina, Mexico, and Uruguay. These memorials celebrate the bonds between our nations; and while American Latinos have the opportunity to trace their ancestry back to these origins, there is no permanent historical context in Washington, D.C. that provides an opportunity to focus on the significant cultural events and contributions representing these citizens of the United States.

We support, in concept, the proposal to further the education and interpretation of significant segments of American history and culture, however, we feel strongly that this Commission move forward in a way that does not contravene the thoughtful and comprehensive plans undertaken to govern the growth of the Nation's Capital or weaken the protections which Congress has provided to the National Mall.

If the subcommittee decides to move S. 500 instead of H.R. 512, we recommend that the technical correction be made to S. 500 to make it consistent with the House-passed companion bill, H.R. 512. Mr. Chairman, this concludes my prepared testimony. I would be pleased to answer any questions you or other members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 512, as ordered reported.